

1  
2  
3 BILL NO <sup>G</sup>6-78-05- 13

(as amended). <sup>7/25/78</sup> *repealed*

4  
5 GENERAL ORDINANCE NO. G

21-78

6 AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70  
7 AS AMENDED BY GENERAL ORDINANCE NOG-12-72 AND  
8 AMENDING GENERAL ORDINANCE NO. G-35-75  
9 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith  
10 AND EXPANDING THE DUTIES AND POWERS OF THE  
11 METROPOLITAN HUMAN RELATIONS COMMISSION.

12 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
13 FORT WAYNE, INDIANA:

14 ARTICLE I - PURPOSES

15 SECTION 1. The Mayor and the Common Council of the City  
16 of Fort Wayne, Indiana, find that discrimination in social,  
17 cultural and economic life in the City of Fort Wayne against  
18 any person or persons because of race, sex, color, religion,  
19 handicap, ancestry, national origin, or place of birth, is con-  
20 trary to American principles and is harmful to the social,  
21 cultural, and economic life of Fort Wayne; that discrimination,  
22 particularly in employment opportunities, public accommoda-  
23 tions, and housing, increases the burden and cost of government;  
24 that such discrimination contributes to increased crime, vice,  
25 juvenile delinquency, fires and other evils thereby affecting  
26 the public safety, the public health, and the general welfare  
27 of the community; it is therefore deemed to be in the best  
28 interests of the City of Fort Wayne to create a metropolitan  
29 commission to administer and enforce anti-discrimination legis-  
30 lation and ordinances, all as authorized by the Indiana Civil  
31 Rights Act.

32 SECTION 2. In filling such broad purposes, the Metro-  
33 politan Human Relations Commission of the City of Fort Wayne  
34 is to:

- 35 a. Study the relationships between persons  
of various races, sexes, creeds, abilities,  
and nationalities within the City of  
Fort Wayne and to advise and assist the  
various departments of the City of Fort Wayne

1 in matters involving relationships between  
2 such groups to the end that prejudice,  
3 intolerance, bigotry, and discrimination  
4 will be eliminated in the City of Fort  
5 Wayne;

- 6 b. Eliminate discrimination in education,  
7 employment, public accommodation,  
8 and housing based upon sex, race,  
9 religion, handicap, ancestry, national  
10 origin or place of birth.
- 11 c. Study, investigate and take action in  
12 regard to any condition having an adverse  
13 effect upon relations between persons  
14 of various races, sexes, creeds, abili-  
15 ties and nationalities;
- 16 d. Institute and conduct educational and  
17 other programs intended to promote the  
18 equal rights and opportunities of all  
19 persons.
- 20 e. Solicit the cooperation of the various  
21 racial, ethnic, handicapped, womens'  
22 rights, and religious groups within  
23 the community in order to improve the  
24 quality of communications and under-  
25 standing within the community;
- 26 f. Stimulate private and governmental  
27 departments and agencies to develop  
28 and foster meaningful programs in support  
29 of the objectives and purposes of the  
30 Metropolitan Human Relations Commission;
- 31 g. Insure the equal protection of all per-  
32 sons and the full availability of all  
33 rights and privileges of citizenship to  
34 all persons.

35 ARTICLE II - DEFINITIONS AND EXEMPTIONS

SECTION 1. As used in this Ordinance, unless a different  
meaning clearly appears from the context:

- a. The term "discrimination" means any  
difference in treatment based on race,  
sex, color, religion, handicap, or  
national origin. The term "discrimina-  
tion" shall also mean the exclusion  
of a person from or failure or refusal  
to extend to a person equal oppor-  
tunities because of race, sex, religion,  
color, handicap, or national origin.  
The term "discrimination" shall also  
mean the promotion of segregation  
or separation, in any manner on the  
basis or race, sex, religion, color,  
handicap, or national origin.
- b. The term "handicap" means (1) physical  
or mental impairment which substantially  
limits one or more of a ~~person's~~ person's  
major life activities, or (2) a record  
of such an impairment and includes  
(3) a person who is regarded as having  
such an impairment. (4) This term does not  
apply to drug or alcohol abuse or addiction.

- 1 c. The term "Labor Organization" means any  
2 organization which exists for the purpose,  
3 in whole or in part, of collective bar-  
4 gaining or of dealing with employers  
concerning grievances, terms or conditions  
of employment, or for other mutual aid  
or protection in relation to employment.
- 5 d. The term "neighborhood" means a group  
6 of residences which are in relative  
7 proximity of each other within the  
metropolitan area of Fort Wayne, Indiana.
- 8 e. The term "owner" includes the Lessor,  
9 Sublessor, Assignor or managing agent  
or other persons having the right of  
ownership or possession or the right to  
sell, rent, or lease any housing accommo-  
10 dation.
- 11 f. The term "person" includes an association,  
12 partnership, or corporation, as well as  
13 a natural person. The term "person",  
as applied to partnerships or other associa-  
14 tions, includes their members, and as  
15 applied to corporations, includes their  
officers and directors. The term "person"  
also includes any individual acting in a  
16 fiduciary or representative capacity,  
whether appointed by a court or otherwise.  
The term "person" shall include the City  
17 of Fort Wayne and all other units of  
local government within the territorial juris-  
18 diction of said city, including Fort Wayne  
Community Schools, the Allen County Welfare  
19 Department and all other county depart-  
ments within said territorial jurisdiction.
- 20 g. The term "real estate broker" means any  
21 person as defined herein, who, for a fee  
or other valuable consideration, sells,  
22 purchases, exchanges, or rents or negotiates  
or offers or attempts to make or negotiate  
23 the sale, purchase exchange or rental of  
the real property of another, or holds  
24 himself or herself out as engaged in the  
business of selling, purchasing, exchanging,  
25 or renting the real estate of another, or  
collects rental for the use of real property  
of another.
- 26 h. The term "Common Council" shall mean Common  
27 Council of the City of Fort Wayne, Indiana.

28 EXEMPTIONS:

- 29 a. With respect to employment discrimination,  
30 employers of five (5) or less employees  
are exempt from the provisions of this  
Ordinance.
- 31 b. It shall not be deemed discrimination for  
32 any not-for profit corporation or associa-  
33 tion organized exclusively for religious  
purposes or for any school, educational  
or charitable institution owned or conducted  
34 by or affiliated with a church or religious  
institution to devote its resources to  
35 its own religion or denomination, or to

1 give preference to members of such  
2 institution or educationally to promote  
3 exclusively the religious principles  
4 for which it is established or maintained.

- 5 c. It shall not be deemed discrimination  
6 on account of handicap for any govern-  
7 mental agency or not-for-profit corpora-  
8 tion established for the purpose of  
9 offering or providing education, training  
10 or other social services and benefits to  
11 handicapped persons to devote its resources  
12 to such handicapped persons or to give a  
13 preference to handicapped persons with  
14 respect to such education, training or  
15 social services and benefits.

16 ARTICLE III - THE COMMISSION

17 SECTION 1. To assist in the elimination of discrimination  
18 in the City of Fort Wayne, there is hereby created a commission  
19 to be known as the Metropolitan Human Relations Commission.

- 20 a. The Commission shall consist of seven  
21 (7) members:

- 22 i) three of whom shall be appointed by  
23 the Common Council;  
24 ii) four of whom shall be appointed by  
25 the Mayor;  
26 iii) those incumbents serving as Commis-  
27 sioners at the time of this amend-  
28 ment who have been appointed by the  
29 Mayor shall continue to hold office  
30 until the expiration of their respec-  
31 tive terms as provided by General  
32 Ordinance G-35-75, and their successors  
33 shall be appointed for terms of four  
34 (4) years, in order to preserve the  
35 staggered appointment dates now in  
effect.
- 36 b. i) one (1) of the Commissioners appointed  
37 by the Common Council shall be appointed  
38 from among its members at the annual  
39 meeting for the election of officers  
40 of the Council, and of the six appoint-  
41 ments who are not members of the  
42 Common Council:  
43 ii) the Common Council shall appoint members  
44 to fill the next two vacancies, and,  
45 thereafter, shall be responsible for  
46 appointing their successors, and  
47 iii) the Mayor shall appoint members to fill  
48 the remaining four vacancies, as they  
49 arise, and shall thereafter be respon-  
50 sible for appointing their successors.

51 SECTION 3. Qualifications of Members.

- 52 a. All members shall be residents of the City  
53 of Fort Wayne, Indiana. The Mayor and  
54 Common Council shall make only those ap-  
55 pointments which insure:

- 1 i) that members are persons who have  
2 demonstrated a commitment to the  
3 purposes for which the Commission  
4 is created, and  
5  
6 ii) that the Commission is broadly  
7 representative of the community  
8 in regard to race, religion, national  
9 origin, sex, and abilities;  
10  
11 iii) the appointments shall be in such  
12 manner that the number of members  
13 of the Commission belonging to  
14 one (1) of the two (2) major  
15 political parties shall not exceed  
16 by more than one (1) the number of  
17 those belonging to the other major  
18 political party, and the Mayor and  
19 the Common Council shall take this  
20 into consideration in making their  
21 respective appointments; provided,  
22 however that if they cannot agree  
23 upon the manner in which such re-  
24 presentation is to be attained, the  
25 Mayor shall make that appointment  
26 which shall result in one (1) of  
27 the major political parties having  
28 the greater number of members on  
29 the board.
- 30 b. It shall be the duty of the Mayor and the  
31 Council publicly to solicit suggestions  
32 for Commission appointments from organiza-  
33 tions having an interest in the improve-  
34 ment of intergroup relations in the com-  
35 munity and to give thoughtful consideration  
36 to the appointment of persons so suggested.

#### 37 SECTION 4. Officers

- 38 a. At the first meeting of the Commission,  
39 which shall be called by the Mayor, the  
40 Commissioners shall elect one of their  
41 number to serve as Chairman, and shall  
42 also elect such other officers as the  
43 Commission shall desire from among their  
44 members.
- 45 b. The Commission shall select an executive  
46 director who shall serve as Secretary,  
47 who shall not be required to meet the  
48 qualifications for membership on the  
49 Commission, and who shall be compensated  
50 for his services, and such other employees  
51 as may be authorized.
- 52 c. Death, incapacity or resignation of a  
53 member. In the event of a death, incap-  
54 acity, or resignation of any member, his  
55 or her successor shall be appointed by  
56 the one who appointed such member and  
57 the newly appointed member shall serve  
58 for the unexpired period of the term of  
59 the one replaced.
- 60 d. Either the Mayor or the Common Council shall,  
61 at any time, have the right to remove any  
62 member of the Commission appointed by him  
63 or it with cause.

- 1 i) that members are persons who have  
2 demonstrated a commitment to the  
3 purposes for which the Commission  
4 is created, and
- 5 ii) that the Commission is broadly  
6 representative of the community  
7 in regard to race, religion, national  
8 origin, sex, and abilities;
- 9 iii) the appointments shall be in such  
10 manner that the number of members  
11 of the Commission belonging to  
12 one (1) of the two (2) major  
13 political parties shall not exceed  
14 by more than one (1) the number of  
15 those belonging to the other major  
16 political party, and the Mayor and  
17 the Common Council shall take this  
18 into consideration in making their  
19 respective appointments; provided,  
20 however that if they cannot agree  
21 upon the manner in which such re-  
22 presentation is to be attained, the  
23 Mayor shall make that appointment  
24 which shall result in one (1) of  
25 the major political parties having  
26 the greater number of members on  
27 the board.
- 28 b. It shall be the duty of the Mayor and the  
29 Council publicly to solicit suggestions  
30 for Commission appointments from organiza-  
31 tions having an interest in the improve-  
32 ment of intergroup relations in the com-  
33 munity and to give thoughtful consideration  
34 to the appointment of persons so suggested.

35 SECTION 4. Officers

- 36 a. At the first meeting of the Commission,  
37 which shall be called by the Mayor, the  
38 Commissioners shall elect one of their  
39 number to serve as Chairman, and shall  
40 also elect such other officers as the  
41 Commission shall desire from among their  
42 members.
- 43 b. The Commission shall select an executive  
44 director who shall serve as Secretary,  
45 who shall not be required to meet the  
46 qualifications for membership on the  
47 Commission, and who shall be compensated  
48 for his services, and such other employees  
49 as may be authorized.
- 50 c. Death, incapacity or resignation of a  
51 member. In the event of a death, incap-  
52 acity, or resignation of any member, his  
53 or her successor shall be appointed by  
54 the one who appointed such member and  
55 the newly appointed member shall serve  
56 for the unexpired period of the term of  
57 the one replaced.
- 58 d. The Mayor shall, at any time, have the  
59 right to remove any member of the Com-  
60 mission with cause

*add in last  
sentence of  
my card.*

1           SECTION 5. Powers and Duties.

2           The Commission shall have the following powers and duties:

- 3           a. All powers that may lawfully be conferred upon the Commission pursuant to  
4           the applicable provisions of Indiana Law including the power to:
- 5                i) Investigate, conciliate and hear complaints;
- 6                ii) subpoena and compel the attendance of witnesses or production of  
7                pertinent documents and records, and make use of such other discovery  
8                techniques as shall be necessary to complete investigations or conduct  
9                full hearings as provided for in IC 4-22-1 et seq. and Rule 28(F)  
10              of the Indiana Rules of Trial Procedure.
- 11               iii) administer oaths;
- 12               iv) examine witnesses;
- 13               v) appoint hearing examiners or panels;
- 14               vi) make findings and recommendations;
- 15               vii) issue cease and desist orders requiring remedial action;
- 16               viii) order payment of actual damages, except that damages to be paid as a result of  
17               discriminatory practices relating to employment shall be limited to lost  
18               wages, salaries, commissions or fringe benefits;
- 19               ix) institute actions for appropriate legal or equitable relief in an  
20               appropriate court;
- 21               x) employ an executive director and other staff personnel;
- 22               xi) adopt rules and regulations;
- 23               xii) initiate complaints, except that no person who initiates complaints may  
24               participate as a member of the agency in the hearing or disposition of the  
25               complaint; and
- 26               xiii) conduct programs and activities to carry out the purposes of the Metro-  
27               politan Human Relations Commission provided for in this Ordinance within  
28               the territorial boundaries of the City of Fort Wayne, Indiana;
- 29           b. The Commission shall hold a regular meeting each month. All meetings and notice  
30           thereof shall be conducted in conformity with IC 5-14-1.5-1 et seq.;
- 31           c. The Commission shall endeavor to keep itself fully informed concerning the  
32           studies and findings of private organizations in respect to the practices falling  
33           within the Commission's jurisdiction.
- 34
- 35

- 1 d. Annual Report. The Commission shall render  
2 an annual report of its doings to the  
3 Mayor and to the Common Council and shall  
4 render such other additional reports as  
5 the Mayor or the Common Council may from  
6 time to time request. The reports shall  
7 describe in detail, the investigations  
and conciliation proceedings it has  
conducted and their outcome, the progress  
made, and any other work performed and  
achievement toward the elimination of  
discrimination.

ARTICLE IV - PROHIBITED ACTS

SECTION 1. It shall be unlawful for any person to  
commit any act of discrimination or engage in any discrimina-  
tory practice as herein defined.

SECTION 2. Discrimination in the sale or rental  
of housing or other real property. It shall be unlawful for  
any owner, real estate broker, salesperson, or other person  
or any agent thereof:

- a. To refuse to sell or rent after the making  
of a bona fide offer, or to refuse to  
negotiate for the sale or rental of, or  
otherwise make unavailable or deny, a  
dwelling to any person because of race,  
color, religion, sex, national origin,  
or handicap;
- b. To discriminate against any person in the  
terms, conditions, or privileges of sale  
or rental of a dwelling, or in the provi-  
sion of services or facilities in connection  
therewith, because of race, color, religion,  
sex, national origin, or handicap;
- c. To make, print, or publish, or cause to  
be made, printed, or published any notice,  
statement, or advertisement, with respect  
to the sale or rental of a dwelling that  
indicates any preference, limitation,  
or discrimination based on race, color,  
religion, sex, national origin, or handicap,  
or an intention to make any such preference,  
limitation, or discrimination;
- d. For profit, to induce or attempt to induce  
any person to sell or rent any dwelling by  
representations regarding the entry or  
prospective entry into the neighborhood of  
a person or persons of a particular race,  
color, religion, sex, national origin, or  
handicap.

SECTION 3. Discrimination in Financing of Real Estate.

It shall be unlawful for any person, as herein defined,  
whose business consists in whole or in part in the appraising  
of property or the making of real estate loans, to deny a loan



1 or other financial assistance to an applicant therefor, or to  
2 discriminate against such applicant in the fixing of amount,  
3 interest rate, duration, or other terms or conditions of such  
4 loan or other financial assistance, or to make a lower appraisal  
5 valuation because of the race, sex, color, religion, national  
6 origin or handicap of such applicant, or of any person connected  
7 with such applicant in connection with such loan or other  
8 financial assistance or the purposes of such loan or other  
9 financial assistance, or of the present or prospective owners,  
10 lessees, tenants, or occupants of the dwelling or dwellings  
11 in relation to which such loan or other financial assistance is  
12 to be made or given; or because of the presence or absence or  
13 the prospective presence or absence within a neighborhood of  
14 concentrations of persons of a particular race, sex, handicap,  
15 color, religion or national origin.

16 SECTION 4. Discrimination in employment:

- 17 a. It shall be unlawful for any person to  
18 discriminate against any person by  
19 treating any such person differently or  
20 by excluding from or failing or refusing  
21 to extend to any person equal opportunities  
22 with respect to hiring, termination,  
23 compensation, or other terms, conditions  
24 or privileges of employment, because of  
25 race, sex, color, religion, national  
26 origin, or handicap.
- 27 b. It shall be unlawful for any employer to  
28 fail to make reasonable accommodation to  
29 the known physical or mental limitations  
30 of an otherwise qualified handicapped  
31 employee or prospective employee or to fail  
32 to make reasonable accommodations to the  
33 religious observance or practice of any  
34 employee or prospective employee unless such  
35 employer can demonstrate that the accommodation would impose an undue hardship on the conduct of the employer's business.
- 36 c. It shall be unlawful for any person to  
37 make, print or publish, or cause to be made,  
38 printed or published any notice, statement,  
39 or advertisement with respect to employment  
40 that indicates a preference, limitation,  
41 specification or discrimination based on  
42 race, sex, religion, color, national  
43 origin, or handicap.

44 SECTION 5. Discrimination by Labor Organizations.

45 It shall be unlawful for a labor organization:

- 1 a. to exclude or expel from its membership,  
2 or otherwise to discriminate against,  
3 any individual because of race, color,  
4 religion, sex, national origin, or  
5 handicap;  
6  
7 b. to limit, segregate, or classify its  
8 membership, or applicants for membership,  
9 or to classify or fail or refuse to refer  
10 for employment any individual in any way  
11 which would deprive or tend to deprive any  
12 individual of employment opportunities,  
13 or would limit such employment opportunities  
14 or otherwise adversely affect his or her  
15 status as an employee or as an applicant  
16 for employment, because of race, color,  
17 religion, sex, national origin, or handicap;  
18  
19 c. to cause or attempt to cause an employer  
20 to discriminate against an individual in  
21 violation of this section.  
22

23 SECTION 6. Discrimination in Public Accommodations.

24 It shall be unlawful for any person or establishment which  
25 caters or offers its services or facilities or goods to the  
26 general public to discriminate against anyone because of race,  
27 sex, color, religion, national origin, or handicap.  
28

29 SECTION 7. Discrimination in Education.

30 It shall be unlawful for any person, establishment or  
31 governmental agency regularly engaged in the offering of educa-  
32 tional services to discriminate against any one because of  
33 race, sex, color, national origin or handicap.  
34

35 SECTION 8. Other unlawful practices:

- 36 a. It shall be unlawful for any person to aid,  
37 abet, incite, compel, or coerce the doing  
38 of any act declared by this Ordinance to  
39 be unlawful.  
40  
41 b. It shall be unlawful for any person knowingly  
42 to obstruct the fair and lawful enforcement  
43 of this ordinance by coercing or intimidat-  
44 ing any complainant or prospective complain-  
45 ant, or any witness to any act made unlawful  
46 herein, or by destroying any records doc-  
47 uments or other evidence relevant to any  
48 alleged unlawful discriminatory practice  
49 as defined herein, after such person has  
50 received actual notice of a discrimination  
51 charge or has been served notice of a  
52 complaint filed.  
53  
54 c. It shall be unlawful for any person to dis-  
55 criminate against any other person with  
56 regard to, or to deny any other person  
57 access to or opportunities in employment,  
58 real estate transactions, education or

1 public accomodations because any such  
2 other person has opposed any practice made  
3 unlawful by this Ordinance, or because  
4 such other person has made a charge,  
testified, assisted or participated in  
any manner in an investigation, proceeding,  
or hearing under this Ordinance.

5 SECTION 9. Applicability of the Administrative Adjudica-  
6 tion and Court Review Act (IC 4-22-1-1 et seq.)

7 Whenever the Metropolitan Human Relations Commission con-  
8 ducts proceedings to determine the rights or liabilities of  
9 particular persons, proceedings conducted to determine these  
10 rights and liabilities will be conducted in conformity with  
11 IC 4-22-1-1 et seq. Judicial Review of the proceedings or  
12 the application by the agency for judicial enforcement of its  
13 orders shall be in conformity with IC-4-22-1-1 et seq. ;  
14 except where IC 4-22-1-1 et seq. requires notice to be served  
15 upon the Attorney General of Indiana or requires the partici-  
16 pation of the Attorney General of Indiana, the agency or party  
17 seeking review or enforcement shall instead give notice to  
18 the City Attorney or the City Attorney shall participate.

19 ARTICLE V.

20 SECTION 1. Any person violating any of the provisions  
21 of this Ordinance shall, upon conviction thereof, be fined in  
22 the sum not to exceed Five Hundred Dollars (\$500.00). Each day  
23 of violation shall be deemed a separate offense.

24 SECTION 2. Severability.

25 If any provision of this Ordinance, or the application  
26 thereof to any person or circumstance is held invalid, the  
27 remainder of the act and the application of such provisions to  
28 persons or circumstances other than those as to which it is held  
29 invalid, shall not be affected thereby.

30 ARTICLE VI - Amendments and Repeal

31 SECTION 1. General Ordinance No. G-35-75 is hereby  
32 repealed except to the extend that those incumbents serving as  
33 Commissioners at the time this Ordinance becomes effective as  
34 provided for in Article III Section 1 (a)iii hereof shall  
35 continue to hold office until the expiration of their respective

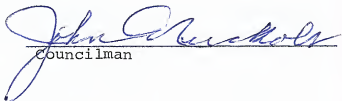
1 terms as provided for in said General Ordinance No. G-35-75.

2 SECTION 2.

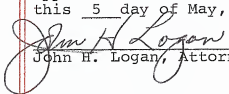
3 General Ordinance No. G-85-70 as amended by General  
4 Ordinance No. 612-72 and Special Ordinance No. 2593 and all  
5 other Ordinances of the City of Fort Wayne, Indiana in conflict  
6 herewith are hereby repealed.

7 ARTICLE VII

8 SECTION 1. This Ordinance shall be in full force  
9 and effect from and after its passage by the Common Council  
10 approved by the Mayor and legal publication thereof.

11  
12   
13 Councilman  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

30 Approved as to form and legality  
31 this 5 day of May, 1978.

32   
33 John H. Logan, Attorney for Common Council  
34  
35

Read the first time in full and on motion by Nuckols, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 5-8-78

Charles W. Wistman  
CITY CLERK

Read the third time in full and on motion by Nuckols, seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>✓</u>	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	_____	<u>✓</u>	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	<u>✓</u>	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 7-25-78

Charles W. Wistman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as  
(~~ZONING MAP~~) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE

(~~RESOLUTION~~) No. 7-21-78 on the 25th day of July, 1978  
ATTEST: (SEAL)

Charles W. Wistman  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of July, 1978, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Wistman  
CITY CLERK

Approved and signed by me this 4th day of August, 1978, at the hour of 3:30 o'clock P. M., E.S.T.

Robert E. Thompson  
MAYOR

Bill No.

G-78-05-13

*Hold until July 25<sup>th</sup>*  
(as amended). (as amended).

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance

REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO.

12-72 AND AMENDING GENERAL ORDINANCE NO. G-35-75 AND REPEALING ALL

ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE

METROPOLITAN HUMAN RELATIONS COMMISSION

SECTION 4-

d. Either the Mayor or the Common Council shall, at any time, have the

right to remove any member of the Commission appointed by him or it with  
cause.

ARTICLE II - SECTION 1 - Paragraph b.

omitt the word "such" <sup>add "a."</sup> and add line at the end of paragrah <sup>(4)</sup> "This term *does*  
not apply to drug or alcohol abuse or addiction."

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance *do* PASS. (as amended). (as amended)

JOHN NUCKOLS - CHAIRMAN

PAUL M. BURNS - VICE CHAIRMAN

WINFIELD C. MOSES, JR.

DONALD J. SCHMIDT

JAMES S. STIER

*John Nuckols*

*Winfield C. Moses, Jr.*

*James S. Stier*

7-25-75 CONCURRED IN  
DATE CHARLES W. WESTERMAN, CITY CLERK



## THE CITY OF FORT WAYNE

METROPOLITAN HUMAN RELATIONS COMMISSION ROOM 680  
CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802  
(219) 423-7664

May 23, 1978

Mr. Sam Talarico  
President  
Common Council of Fort Wayne  
One Main Street  
Fort Wayne, Indiana 46802

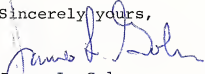
Dear Mr. Talarico:

Thank you for the opportunity to dialogue with members of Council concerning the very important ordinance now before you, amending the present Metropolitan Human Relations Commission Ordinance, Bill No. 78-05-13.

I have asked the staff to formulate a packet of information to answer in detail the questions raised, but time has not permitted this to be properly done. I would further prefer to have the full commission review this packet prior to its submission to council, so that we might be able to predict the disposition of the agency in formulating substantive regulations under the new law.

Thus, I would request that the bill be tabled until the fourth Tuesday of June, at which time we will be able to answer the most detailed inquiry.

Sincerely yours,

  
James L. Golm  
Chair, MHRC

JLG/imm



## THE CITY OF FORT WAYNE

METROPOLITAN HUMAN RELATIONS COMMISSION ROOM 680

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

(219) 423-7664

June 27, 1978

Sam Talarico  
President of Common Council  
City of Fort Wayne  
Office of the City Clerk  
One Main Street  
Fort Wayne, IN 46802

Dear Mr. Talarico:

The attached memorandum has been prepared by a member of my staff to assist you and other council members in understanding the scope of the Handicap Discrimination Ban contained within the pending revision of the Fort Wayne Anti-discrimination Ordinance (Bill No. 78-05-13).

Sincerely,

John M. Beams  
Executive Director

JMB/imm

Enclosure



TO: Members of the Metropolitan Human Relations Commission

FROM: Ernest M. Beal, Jr., Staff Attorney

RE: Scope of the Handicap Discrimination Ban contained within the pending revision of the Fort Wayne Anti-discrimination Ordinance (Bill No. 78-05-13).

Following directives established by the Commission, an bill to amend and revise the Fort Wayne Anti-discrimination ordinance was presented to the attorney for the Common Council. This bill was then introduced by Commissioner Nuckols, the Council appointee, with one modification, relating to appointment of commissioners. During their consideration of the ordinance, members of the Common Council expressed concern regarding the potential scope of the "handicap" discrimination ban included therein. Accordingly, in order that the proposed ban be more fully understood and any misconceptions dispelled, the following memorandum has been prepared.

The definition of "handicap" appears in Article II, Section 1, subsection (b) of the proposed ordinance revision:

The term "handicap" means (1) a physical or mental impairment which substantially limits one or more of a such person's major life activities, or (2) a record of such an impairment and includes (3) a person who is regarded as having such an impairment.

Initially, I should note that this definition is, in all pertinent respects, identical to definition of handicapped individual applicable to section 503 and 504 of the Rehabilitation Act of 1973 (see 29 U.S.C. § § 706, 793 and 794). These federal statutory provisions prohibit discrimination against "qualified handicapped individuals" by (a) government contractors and (b) recipients of federal financial assistance. The regulations adopted by the Department of Labor, which implement the non-discrimination provision of Section 503 relating to government contractors and subcontractors, have been attached as Appendix A.

The use of the definition is important for several reasons. First, a substantial number of employers and other organizations are currently subject to anti-discrimination mandates based upon it. The use of some other definition would create the possibility that persons attempting to comply with local and federal mandates might be subjected to conflicting obligations.

Second, this formulation of a definition of handicap comes with a legislative history, an administrative track record and the potential of future litigation that will explain and define its contours. Finally, the utilization of this definition may assist us in our attempt to obtain additional resources from those federal agencies concerned with implementing the anti-discrimination mandates.

The first of the three parts of the "handicap" definition includes any person who has a physical or mental impairment that substantially limits one or more major life activities. The definition does not set forth a list of specific diseases and conditions that constitute physical or mental impairments because of the difficulty in assuring the comprehensiveness of any such list. The term includes, however, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and subject to the limitations described below, drug addiction and alcoholism.

It should be emphasized that a physical or mental impairment does not constitute a handicap for purposes of this ordinance unless its severity is such that it results in a substantial limitation of one or more major life activities. In the definitions adopted by the U. S. Department of Health, Education, and Welfare to implement the mandates of Section 504 (see 45 C.R.F. Section 84.3) "major life activities" are defined as those functions "such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working."

This definition of handicap persons also includes specific limitations on what persons are to be classified as handicapped. For instance, the first part of the definition specifies that only physical and mental handicaps are included. Thus, environmental cultural, and economic disadvantage are not, in themselves, covered; nor are prison records, age, or homosexuality. Of course, if a person who has any of these characteristics also has a physical or mental handicap, the person is included in the definition of handicap person.

The second part of the definition of the handicapped person includes any person who has a record of a physical or mental impairment which substantially limits a major life activity. Thus, persons who have history of a handicapping condition but no longer have the condition, as well as persons who have<sup>been</sup> incorrectly classified as having such a condition, are protected from discrimination. Frequently occurring examples of the first group are persons with histories of mental or emotional illness, heart disease, or cancer; of the second group, persons who have misclassified a mentally retarded.

The third part of the proposed definition of handicap person includes any person regarded as having a physical or mental impairment which substantially limits one or more major life activities. It includes many persons who are ordinarily considered to be handicapped but who do not technically fall within the first two parts of the definition, such as person with a limp (if they are treated as if their impairment is substantially limiting). This part of the definition also includes some persons who might not ordinarily be considered handicapped, such as persons with disfiguring scars, as well as persons who have no physical or mental impairment but are treated by an entity as if they were handicapped.

THE NON-INCLUSION  
OF HOMOSEXUALITY

Although it is clear from the legislative history surrounding the Rehabilitation Act Amendments of 1974, which adopted the definition of handicap person with which we are concerned, that the proposed definition does not cover "homosexuality", apparently some confusion regarding the possible inclusion of this "condition" under the proposed definition has arisen. In this regard, the commission should note the understanding expressed in the legislative history of the Rehabilitation Act Amendments. Although there are widely divergent opinions held by the public regarding the moral stature or "diseased" state of persons having alternative sexual preferences, homosexuals do not have a "mental or physical impairment". For instance, the position taken by the Gay Community, the medical profession and other professional disciplines is that homosexuality is not a "handicap" or "disease". The propriety of this interpretation of the handi-

cap mandate has been affirmed by the U. S. Attorney General's Office in their review of the federal agencies-proposed regulations.

THE SCOPE OF COVERAGE FOR  
DRUG ADDICTION AND ALCOHOLISM

It is my understanding that, in addition to the concern that the proposed definition covers "homosexuals", there is some concern regarding the extent to which the definition protects and/or benefits drug addicts and alcoholics. Although there is a medical and legal consensus that alcoholism and drug addiction are diseases (though there is a disagreement as to whether there are primarily mental or physical), the inclusion of addicts and alcoholics within the scope of the handicap ban will not lead to the dire consequences feared by some.

It cannot be emphasized too strongly that the ordinance applies only to discrimination against qualified handicapped persons solely by reason of their handicap. The fact that drug addiction and alcoholism may be handicaps does not mean that these conditions must be ignored in determining whether an individual is qualified for employment opportunities, housing, public accommodations or educational opportunities. On the contrary, an employer or other individual may hold a drug addict or alcoholic to the same standard of performance and behavior to which it holds others, even if any unsatisfactory behavior is related to the person's drug addiction or alcoholism. In other words, while an alcoholic or drug addict may not be denied or disqualified from employment, housing, public accommodations, or education solely because of his or her condition, the behavioral manifestations of the conditions may be taken into account in determining whether he or she is qualified.

With respect to the employment of a drug addict or alcoholic if it can be shown that the addiction prevents successful performance of the job it would be permissible not to provide the employment opportunity in question. Thus, in making an employment decisions, a employer may judge addicts and alcoholics on the same basis it judges all other applicants and employees. An employer may consider---for all applicants including drug addicts and alcoholics---past personnel records, absenteeism, disruptive, abusive, or danger-

ous behavior, violation of rules and unsatisfactory work performance. Moreover, employers may enforce rules prohibiting the possession or use of alcohol or drugs in the work place, provided that such rules are enforced against all employees.

Thus, the inclusion of drug addiction and alcoholism as handicaps does not mean that an employer must or should tolerate inappropriate or detrimental work behavior.

Although the coverage contemplated by the proposed definition is broad, the strong relationship of this definition to the federal mandates will, with the passage of time, provide a sensitive and careful development of a public policy designed to open up opportunities for individuals who have heretofore been excluded from or denied the benefits of social and employment opportunities because of irrational or stereotypic conceptions of the limits of their physical or mental abilities.



# **41 CFR 60-741**

## **Affirmative Action Obligations of Contractors and Subcontractors for Handicapped Workers**

---

U.S. Department of Labor  
Employment Standards Administration  
Office of Federal Contract Compliance Programs

OFCCP-6

# PART 60-741 — AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

## REDESIGNATION; CORRECTION

(Reprint from Federal Register, Volume 42, No. 12—Tuesday, January 18, 1977, Page 3307)

### Title 41—Public Contracts and Property Management

#### CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

#### PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

##### Redesignation; Correction

In FR Doc. 76-11094 appearing at page 16147 in the FEDERAL REGISTER of Friday, April 16, 1976, the following changes should be made:

1. On page 16148 in the table of headings in the third column:

a. In the heading for 60-741.6 "requirement" is corrected to "procedures".

b. In the Subpart B heading "Compliance" is corrected to "Complaint".

c. Add under the heading for 60-741.23 and above the heading for 60-741.26:

"60-741.24 Duties of agencies.

60-741.25 Evaluations by the Director"

2. On page 16149 under § 60-751.2:

a. In the second line of the paragraph entitled "Affirmative action clause", "§ 60-741.3" is corrected to "§ 60-741.4".

b. In the twelfth line of the paragraph entitled "Handicapped individual", "Note" is corrected to "Appendix".

3. On page 16150:

a. In § 60-741.5(a) on the tenth line "741.5" is corrected to "741.6".

b. In § 60-741.5(c) (1) on the last line "Note" is corrected to "Appendix".

4. In § 60-741.6(b), "Note" which appears twice in the parentheses on pages 16150 and 16151 is corrected in both places to "Appendix".

5. On page 16152 in § 60-741.20 on the third line and in § 60-741.21 on the third line "§ 60-741.3" is corrected to "§ 60-741.4".

6. On page 16153:

a. In § 60-741.24(a) on the thirteenth line "§ 60-741.31" is corrected to "§ 60-741.28".

b. In § 60-741.27 on the sixth line "741.29" is corrected to "741.28".

7. On page 16154:

a. In § 60-741.29 in the second column in the first paragraph on the nineteenth line "§ 60-741.27" is corrected to "§ 60-741.26".

b. In § 60-741.30 on the sixth line "741.24(b) (1)" is corrected to "741.3(b) (1)".

c. In § 60-741.52(a) on the ninth line "by" is corrected to "as".

Dated: January 13, 1977.

LAWRENCE Z. LORBER,  
Deputy Assistant  
Secretary, Director, OFCCP.

[FR Doc.77-1518 Filed 1-17-77; 8:45 am]

U.S. DEPARTMENT OF LABOR  
EMPLOYMENT STANDARDS ADMINISTRATION  
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS

## PART 60-741 — AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

(Reprint from Federal Register Vol. 41, No. 75, Pages 15147 through 16155 — April 16, 1976)

### CHAPTER 60—OFFICE OF FEDERAL CONTRACT COMPLIANCE, EQUAL EMPLOYMENT OPPORTUNITY, DEPARTMENT OF LABOR

#### PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

##### Resignation

On June 11, 1974, the Department of Labor published regulations (39 F.R. 20566) implementing section 503 of the Rehabilitation Act of 1973, Public Law 93-112, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. Although the regulations were effective on the date of publication, interested persons were encouraged to submit comments. Those comments have been reviewed and analyzed.

On December 7, 1974, the President signed Public Law 93-516, which amends Public Law 93-112. On August 29, 1975, the Department of Labor published proposed amendments (40 F.R. 39887) to 20 CFR Part 741 to incorporate the 1974 amendments to the Act, to make the regulations consistent with the Act, and to incorporate some of the suggestions submitted concerning the regulations published on June 11, 1974.

The purpose of the amendments published today is to incorporate the 1974 amendments to the Act into the regulations to make the regulations consistent with those amendments, and to incorporate some of the suggestions submitted by representatives of the concerned public during the comment period which ended on October 14, 1975. These amendments to the existing regulations are also necessary to improve administration and enforcement of the Act, and to give contractors more specific and detailed information regarding the extent of their obligation. The more significant amendments are as follows:

1. The definition of handicapped individual has been amended consistent with the amended definition in the Act, and the reference to the source of rehabilitation has been omitted. Under that definition, a handicap is any impairment

which substantially limits one or more of a person's major life activities.

2. A definition of "substantially limited" is added to clarify the meaning of that phrase for the purposes of these regulations.

3. A definition of qualified handicapped individual is added to assure that persons who are protected under the Act are those qualified to work rather than those who qualify solely to meet the definition of handicapped.

4. The affirmative action clause is revised to eliminate the three-part structure based upon contract amount and/or length of performance, so that the same clause will be utilized in all covered contracts. Contractors have commented that the existing clause is confusing and imprecise, and creates confusion as to which portions are applicable to which subcontracts. The obligation to prepare an affirmative action program is removed from the contract clause and transferred to a separate section. The requirement for the submission of an annual report has been deleted. The recordkeeping requirement has been transferred to a separate section and the time for preserving records has been reduced to one year. Many comments pointed out that requiring maintenance of records for three years increased the contractor's recordkeeping burden without any apparent benefit to the program.

5. A new section is added obligating all non-exempt contractors holding contracts of \$50,000 or more with 50 or more employees to prepare and maintain at their places of business the affirmative action program. The dollar amount is reduced from \$500,000 to \$50,000 to make the amount consistent with the Office of Federal Contract Compliance Program's Revised Order No. 4 (41 CFR Part 60-2) since most contractors indicated that the programs, while separate, were prepared together, using much common data. The proposed requirement for disseminating a summary of the affirmative action program to applicants and employees has been deleted. It is considered sufficient to require that the affirmative action program be available for inspection by applicants and employees (see section 60-741.5(b)). Many comments pointed out that it was difficult to determine



which individuals were entitled to affirmative action. A new section 60-741.5(c) has been added to make clear to whom the affirmative action obligation runs.

6. The affirmative action policy section has been expanded to include more detailed explanation of the steps contractors may take to fulfill their affirmative action obligation. While no goals and timetables or utilization analyses are required, recruitment, outreach, internal administration and other duties similar to those required in OFCCP's Order No. 4 are added. The existing section which requires the Assistant Secretary to issue criteria for good faith efforts has been revoked. Provisions have been added which require that all job qualification requirements must be job-related and all information obtained from medical examinations or preemployment inquiries into an applicant's physical or mental condition must be used in accordance with job-related standards. The provisions in the proposal requiring written standards for every job and detailed recordkeeping of each employment transaction involving a handicapped individual have been deleted as being unnecessarily burdensome and unworkable for many contractors. Contractors will be required to conduct a review of all job qualification requirements to ensure that they are job-related, however, and will have the burden of proving job-relatedness when those qualification requirements become an issue in specific cases.

7. Because the new definition of handicapped individuals no longer relies on a connection with rehabilitation facilities under Title I and III of the Act, the certification section has been deleted. Complainants before the Department of Labor need submit only a signed statement of their impairment. However, if there is any reason to question that statement, complainants may be required to provide additional information. This section also permits contractors to require applicants or employees to document their claims of disability, and permits physical examinations at the contractor's expense. Any documentation required must be based on the American Medical Association Impairment.

8. The accommodation section has been amended to delete the requirement that contractors provide in the affirmative action program some examples of accommodations which may be necessary. The comments pointed out that it is very difficult for contractors to know in advance what accommodations may be required for specific employees. In addition, the accommodation section has been amended to delete the reference to "resulting personnel problems" as a factor to be considered in assessing whether an accommodation is required. This language was found confusing and misleading.

9. The provision requiring contractor certification, which was to have been inserted in all contracts after January 1, 1976, has been revoked.

10. The evaluation section authorizes investigations by the Director of OFCCP to determine compliance as well as evaluations of agency performance.

11. In view of the foregoing amendment regarding investigations, the Department will require compliance agencies to conduct investigations from time-to-time at the request of the Director to ensure that contractors in the agencies' assigned industries are fully cognizant of their obligations under the Act and this Part, and to report to the Director any information which comes to their attention that contractors are not in compliance therewith. Other modifications in the hearing procedures are made consistent with this amendment.

12. There is a new provision that contracts with sheltered workshops may not be deemed affirmative action unless the contractor uses the sheltered workshops as a source of trainees for its own workforce. The remaining amendments are primarily explanatory or correct inconsistencies in terminology or structure.

In view of the fact that responsibility for enforcement of section 503 of the Rehabilitation Act of 1973 has been placed in the Office of Federal Contract Compliance Programs and all other OFCCP regulations are contained in Title 41 CFR, Chapter 60, for administrative convenience and clarity the regulations governing the affirmative action obligations of contractors and subcontractors for handicapped workers formerly found in 20 CFR Part 741 are redesignated as Part 60-741 of 41 CFR and are revised as follows:

Subpart A—Preliminary Matters, Affirmative Action Clause, Compliance	
Sec.	
60-741.1	Purpose and application.
60-741.2	Definitions.
60-741.3	Coverage and waivers.
60-741.4	Affirmative action clause.
60-741.5	Applicability of the affirmative action program requirement.
60-741.6	Affirmative action policy, practices and requirements.
60-741.7	Determination of handicap.
60-741.8	Listing of employment openings.
60-741.9	Labor unions and recruiting and training agencies.
Subpart B—General Enforcement and Compliance Procedure	
60-741.20	Subcontracts.
60-741.21	Adaptation of language.
60-741.22	Incorporation by reference.
60-741.23	Incorporation by operation of the Act and agency regulations.
60-741.24	Complaint procedures.
60-741.25	Noncompliance with the affirmative action clause.
60-741.26	Actions for noncompliance.
60-741.27	Formal hearings.
60-741.28	Notification of agencies.
60-741.29	Contractor ineligibility list.
60-741.30	Disputed matters related to the affirmative action program.
Subpart C—Ancillary Matters	
60-741.31	Reinstatement of ineligible contractors and subcontractors.
60-741.32	Intimidation and interference.
60-741.33	Recordkeeping.
60-741.34	Access to records of employment.
60-741.35	Rulings and interpretations.

Appendix A—Guidelines on the application of the definition "Handicapped Individual".

Appendix B  
Appendix C

AUTHORITY: Sec. 503, Pub. Law 93-1112, 87 Stat. 393 (20 U.S.C. 793), as amended by Sec. 111, Pub. Law 93-516, 88 Stat. 1619 (29 U.S.C. 706) and Executive Order 11758.

Subpart A—Preliminary Matters,  
Affirmative Action Clause, Compliance

§ 60-741.1 Purpose and application.

The purpose of the regulations in this Part is to assure compliance with section 503 of the Rehabilitation Act of 1973, which requires government contractors and subcontractors to take affirmative action to employ and advance in employment qualified handicapped individuals. The regulations in this Part apply to all government contracts and subcontracts for the furnishing of supplies or services or for the use of real or personal property (including construction) for \$2,500 or more. Compliance of a contractor with the provisions of this Part will not necessarily determine its compliance with the requirements of section 504 of the Rehabilitation Act of 1973 and compliance with section 504 will not necessarily determine compliance with section 503 and the regulations in this Part.

§ 60-741.2 Definitions.

"Act" means the Rehabilitation Act of 1973, Pub. L. 93-112, as amended by the Rehabilitation Act Amendments of 1974, Pub. L. 93-516.

"Affirmative action clause" means the contract provisions set forth in § 60-741.3.

"Agency" means any contracting and/or compliance agency of the government.

"Assistant Secretary" means the Assistant Secretary of Labor for Employment Standards or his or her designee.

"Compliance agency" means any agency which the Director requests to conduct investigations and such other responsibilities in connection with the administration of the Act as the Director may request, as appropriate, including the responsibility to ensure that contractors are fully cognizant of their obligations under the Act and this Part and to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this Part.

"Construction" means the construction, rehabilitation, alteration, conversion, extension, demolition or repair of buildings, highways, or other changes or improvements to real property, including facilities providing utility services. The term also includes the supervision, inspection, and other onsite functions incidental to the actual construction.

"Contract" means any government contract.

"Contracting agency" means any department, agency, establishment or instrumentality of the United States, including any wholly owned government corporation, which enters into contracts.

"Contractor" means, unless otherwise indicated, a prime contractor or subcontractor.

"Director" means the Director of the Office of Federal Contract Compliance Programs of the United States Department of Labor.

"Government" means the Government of the United States of America.

"Government contract" means any agreement or modification thereof between any contracting agency and any person for the furnishing of supplies or services or for the use of real or personal property including lease arrangements. The term "services", as used in this section includes, but is not limited to the following services: utility, construction, transportation, research, insurance, and fund depository, irrespective of whether the government is the purchaser or seller. The term "government contract" does not include (1) agreements in which the parties stand in the relationship of employer and employee, and (2) federally-assisted contracts.

"Handicapped individual" means any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (2) has a record of such impairment or (3) is regarded as having such an impairment. For purposes of this Part, a handicapped individual is "substantially limited" if he or she is likely to experience difficulty in securing, retaining or advancing in employment because of a handicap. (See Note A attached for guidelines on the applications of this definition.)

"Modification" means any alteration in the terms and conditions of a contract, including supplemental agreements, amendments, and extensions.

"Person" means any natural person, corporation, partnership or joint venture, unincorporated association, state or local government, and any agency, instrumentality, or subdivision of such a government.

"Prime contractor" means any person holding a contract, and, for the purposes of Subpart B of this Part, includes any person who has held a contract subject to the Act.

"Qualified handicapped individual" means a handicapped individual as defined in § 60-741.2 who is capable of performing a particular job, with reasonable accommodation to his or her handicap.

"Recruiting and training agency" means any person who refers workers to any contractor or subcontractor, or who provides or supervises apprenticeship or training for employment by any contractor or subcontractor.

"Rules, regulations, and relevant orders of the Secretary of Labor" as used in paragraph (b) of the affirmative action clause means rules, regulations, and relevant orders of the Secretary of Labor or his or her designee issued pursuant to the Act.

"Secretary" means the Secretary of Labor, U.S. Department of Labor.

"Subcontract" means any agreement or arrangement between a contractor and any person (in which the parties do not stand in the relationship of an employer and an employee):

(1) For the furnishing of supplies or services or for the use of real or personal property, including lease arrangements,

which, in whole or in part, is necessary to the performance of any one or more contracts; or

(2) Under which any portion of the contractor's obligation under any one or more contracts is performed, undertaken, or assumed.

"Subcontractor" means any person holding a subcontract and, for the purpose of Subpart B of this Part, any person who has held a subcontract subject to the Act.

"United States" as used herein shall include the several States, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, the Panama Canal Zone, American Samoa and the Trust Territory of the Pacific Islands.

§ 60-741.3 Coverage and waivers.

(a) General.—(1) Transactions for less than \$2,500. Contracts and subcontracts for less than \$2,500 are not covered by the Act. No agency, contractor or subcontractor shall procure supplies or services in less than usual quantities to avoid the applicability of the affirmative action clause.

(2) Contracts and subcontracts for indefinite quantities. With respect to indefinite delivery-type contracts and subcontracts (including, but not limited to, open end contracts, requirement-type contracts, Federal Supply Schedule contracts, "call-type" contracts, and purchase notice agreements), the affirmative action clause shall be included unless the contracting agency has reason to believe that the amount to be ordered in any year under such contract will be less than \$2,500. The applicability of the affirmative action clause shall be determined at the time of award for the first year, and annually thereafter for succeeding years, if any. Notwithstanding the above, the affirmative action clause shall be applied to such contract whenever the amount of a single order is \$2,500 or more. Once the affirmative action clause is determined to be applicable, the contract shall continue to be subject to such clause for its duration, regardless of the amounts ordered, or reasonably expected to be ordered in any year.

(3) Work outside the United States. The requirements of the affirmative action clause are waived with respect to contracts and subcontracts with regard to work performed outside the United States by employees who were not recruited within the United States.

(4) Contracts with state or local governments. The requirements of the affirmative action clause in any contract or subcontract with a state or local government (or any agency, instrumentality or subdivision thereof) shall not be applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract or subcontract.

(5) Facilities not connected with contracts. The Director may waive the requirements of the affirmative action clause with respect to any of a prime contractor's or subcontractor's facilities which he or she finds to be in all respects separate and distinct from activities of

the prime contractor or subcontractor relate to the performance of the contract or subcontract, provided that he or she also finds that such a waiver will not interfere with or impede the effectuation of the Act. Such waivers shall be considered only upon the request of the contractor or subcontractor.

(b) **Waivers.**—(1) Specific contracts and classes of contracts.

The head of an agency, with the concurrence of the Director, may waive the application to any contract or subcontract of any part of or all the affirmative action clause when he or she deems that special circumstances in the national interest require it. The Director, with the concurrence of the Director, may also grant such waivers to groups or categories of contracts or subcontracts of the same type where it is (1) in the national interest, (2) found impracticable to act upon each request individually, and (3) where such waivers will substantially contribute to convenience in administration of section 503 of the Act.

(2) **National security.** Any requirement set forth in the regulations in this Part shall not apply to any contract or subcontract whenever the head of the contracting agency determines that such contract or subcontract is essential to the national security and that its award without complying with such requirements is necessary to the national security. Upon making such a determination the head of the agency will notify the Director in writing within 30 days.

(3) **Withdrawal of waiver.** Whenever a waiver has been granted for any class of contracts or subcontracts under this section other than contracts granted waivers under paragraph (b) (2) of this section, the Director may withdraw the waiver for a specific contract or subcontract or group of contracts or subcontracts to be awarded, when in his or her judgment such action is necessary or appropriate to achieve the purposes of the Act. The withdrawal shall not apply to contracts or subcontracts awarded prior to the withdrawal, except that in procurement entered into after the withdrawal, or the various forms of restricted formal advertising, such withdrawal shall not apply unless the withdrawal is made more than 10 calendar days before the date set for the opening of the bids.

#### § 60-741.4 Affirmative action clause.

Each agency and each contractor and subcontractor shall include the following affirmative action clause in each of its covered government contracts or subcontracts (and modifications, renewals, or extensions thereof if not included in the original contract).

##### AFFIRMATIVE ACTION FOR HANDICAPPED WORKERS

(a) The contractor will not discriminate against any employee or applicant for employment because of physical or mental handicap in regard to any position for which the employee or applicant for employment is qualified. The contractor agrees to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimi-

nation based upon their physical or mental handicap in all employment practices, such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) The contractor agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

(c) In the event of the contractor's non-compliance with the requirements of this clause, action for noncompliance may be taken in accordance with the rules, regulations and relevant orders of the Secretary of Labor issued pursuant to the Act.

(d) The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Director, provided by the contracting office. Such notices shall state the contractor's obligation under the law to take affirmative action to employ and advance in employment qualified handicapped employees and applicants for employment, and the rights of applicants and employees.

(e) The contractor will notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973.

(f) The contractor agrees to take affirmative action to employ and advance in employment physically and mentally handicapped individuals.

(g) The contractor will include the provisions of this clause in every subcontract or purchase order of \$2,500 or more unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the Act, so that such provisions will be applied to each subcontract or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Director of the Office of Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

#### § 60-741.5 Applicability of the affirmative action program requirement.

(a) Within 120 days of the commencement of a contract every government contractor or subcontractor holding a contract of \$50,000 or more and having 50 or more employees shall prepare and maintain an affirmative action program at each establishment which shall set forth the contractor's policies, practices and procedures in accordance with § 60-741.5 of this Part. This program may be integrated into or kept separate from other affirmative action programs of the contractor. Contractors presently holding government contracts shall update their affirmative action programs within 120 days of the effective date of this Part.

(b) The affirmative action program shall be reviewed and updated annually. If there are any significant changes in procedures, rights or benefits as a result of the annual updating, those changes shall be communicated to employees and applicants for employment.

(c) (1) The contractor shall invite all applicants and employees who believe themselves covered by the Act and who wish to benefit under the affirmative action program to identify themselves to the contractor. The invitation shall

state that the information is voluntarily provided, that it will be kept confidential, that refusal to provide it will not subject the applicant or employee to any adverse treatment, and that it will be used only in accordance with the Act and the regulations in this Part. If an applicant or employee so identifies himself or herself the contractor should also seek to provide the applicant or employee regarding proper placement and appropriate accommodation. (An acceptable form for such an invitation is set forth in Note B attached.)

(2) Nothing in this section shall preclude an employee from informing a contractor at any future time of his or her desire to benefit under the program.

(3) Nothing in this section shall relieve a contractor of its obligation to take affirmative action with respect to those applicants or employees of whose handicap the contractor has actual knowledge. Provided, that the contractor is not obliged to search the medical files of any applicant or employee to determine the existence of a handicap.

(4) Nothing in this section shall relieve a contractor from liability for discrimination under the Act.

(d) The full affirmative action program shall be available for inspection to any employee and applicant for employment upon request. The location and hours during which the program may be obtained shall be posted at each facility.

#### § 60-741.6 Affirmative action policy, practices and procedures.

(a) **General requirements.** Under the affirmative action obligation imposed by section 503 of the Rehabilitation Act of 1973, contractors are required to take affirmative action to employ and advance in employment qualified handicapped individuals at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

(b) **Proper consideration of qualifications.** Contractors shall review their personnel processes to determine whether their present procedures assure careful, thorough and systematic consideration of the job qualifications of known handicapped applicants and employees for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. To the extent that it is necessary to modify their personnel procedures, contractors shall include the development of new procedures for this purpose in their affirmative action program required under this Part. These procedures must be designed so as to facilitate a review of the implementation of this requirement by the contractor or the government. (Note C attached is an example of an appropriate set of proce-

dures. The procedures in Note C are not required and contractors may develop other procedures which are appropriate to their circumstances.)

(c) *Physical and mental qualifications.*  
(1) The contractor shall provide in its affirmative action program, and shall adhere to, a schedule for the review of all physical or mental job qualification requirements to ensure that, to the extent qualification requirements tend to screen out qualified handicapped individuals, they are job related and are consistent with business necessity and the safe performance of the job.

(2) Whenever a contractor applies physical or mental job qualification requirements in the selection of applicants or employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification requirements tend to screen out qualified handicapped individuals, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job. The contractor shall have the burden to demonstrate that it has complied with the requirements of this paragraph.

(3) Nothing in this section shall prohibit a contractor from conducting a comprehensive medical examination prior to employment provided that the results of such an examination shall be used only in accordance with the requirements of this section. Whenever a contractor inquires into an applicant's or employee's physical or mental condition or conducts a medical examination prior to employment or change in employment status information obtained in response to such inquiries or examination shall be kept confidential except that:

(i) Supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals and regarding accommodations; and  
(ii) First aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment; and  
(iii) Government officials investigating compliance with the Act shall be informed.

(d) *Accommodation to physical and mental limitations of employees.* A contractor must make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless the contractor can demonstrate that such an accommodation would impose an undue hardship on the conduct of the contractor's business. In determining the extent of a contractor's accommodation obligations, the following factors among others may be considered: (1) business necessity and (2) financial cost and expenses.

(e) *Compensation.* In offering employment or promotions to handicapped individuals, the contractor may not reduce the amount of compensation offered because of any disability income, pension

or other benefit the applicant or employee receives from another source.

(f) *Outreach, positive recruitment, and affirmative dissemination of policy.* Contractors shall review their employment practices to determine whether their personnel programs provide the required affirmative action for employment and advancement of qualified handicapped individuals. Based upon the findings of such reviews, the contractors shall undertake appropriate outreach and positive recruitment activities, such as those listed below. It is not contemplated that contractors will necessarily undertake all the listed activities or that their activities will be limited to those activities. The scope of a contractor's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.

(1) The contractor should develop internal communication of its obligation to engage in affirmative action efforts to employ qualified handicapped individuals in such a manner as to foster understanding, acceptance and support among the contractor's executive, management, supervisory and all other employees and to encourage such persons to take the necessary action to aid the contractor in meeting this obligation.

(2) The contractor should develop reasonable internal procedures to ensure that its obligation to engage in affirmative action to employ and promote qualified handicapped individuals is being fully implemented.  
(3) The contractor should periodically inform all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified handicapped individuals.

(4) The contractor should enlist the assistance and support of recruiting sources (including state employment security agencies, state vocational rehabilitation agencies or facilities, sheltered workshops, college placement offices, state education agencies, labor organizations and organizations of or for handicapped individuals) for the contractor's commitment to provide meaningful employment opportunities to qualified handicapped individuals. (A list of numerous national organizations serving the handicapped, many of which have state or local affiliates is found in the "Directory of Organizations Interested in the Handicapped" published by the Committee for the Handicapped People-to-People Program, Washington, D.C.)

(5) The contractor should engage in recruitment activities at educational institutions which participate in training of the handicapped, such as schools for the blind, deaf, or retarded.

(6) The contractor should establish meaningful contacts with appropriate social service agencies, organizations of and for handicapped individuals, vocational rehabilitation agencies or facilities, for such purposes as advice, techni-

cal assistance and referral of potential employees. Technical assistance from the resources described in this paragraph may consist of advice on proper placement, recruitment, training and accommodations contractors may undertake, but no such resource providing technical assistance shall have the authority to approve or disapprove the acceptability of affirmative action programs.

(7) The contractor should review employment records to determine the availability of promotable and transferable qualified known handicapped individuals presently employed, and to determine whether their present and potential skills are being fully utilized or developed.

(8) The contractor should include handicapped workers when employees are pictured in consumer, promotional or help wanted advertising.

(9) The contractor should send written notification of company policy to all subcontractors, vendors and suppliers, requesting appropriate action on their part.

(10) The contractor should take positive steps to attract qualified handicapped persons not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for handicapped individuals in section (f) (4).

(g) *Internal dissemination of policy.* A strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees, who may have had limited contact with handicapped persons in the past. In order to assure greater employee cooperation and participation in the contractor's efforts, the contractor should adopt, implement and disseminate this policy internally as follows:

(1) Include it in the contractor's policy manual.

(2) Publicize it in the company newspaper, magazine, annual report and other media.

(3) Conduct special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's attitude.

(4) Schedule special meetings with all employees to discuss policy and explain individual employee responsibilities.

(5) Discuss the policy thoroughly in both employee orientation and management training presentations.

(6) Meet with union officials to inform them of the contractor's policy, and request their cooperation.

(7) Include nondiscrimination clauses in all union agreements, and review all contractual provisions to ensure they are nondiscriminatory.

(8) Include articles on accomplishments of handicapped workers in company publications.



(9) Post the policy on company bulletin boards, including a statement that employees and applicants are protected from coercion, intimidation, interference or discrimination for filing a complaint or assisting in an investigation under the Act.

(10) When employees are featured in employee handbooks or similar publications for employees, include handicapped employees.

(h) *Responsibility for implementation.* An executive of the contractor should be designated as director or manager of company affirmative action activities under these regulations. His or her identity should appear on all internal and external communications regarding the company's affirmative action programs. This executive should be given necessary top management support and staff to manage the implementation of this program, including the following activities:

(1) Develop policy statements, affirmative action programs, and internal and external communication techniques. The latter techniques should include regular discussions with local managers, supervisors and employees to be certain the contractor's policies are being followed. In addition, supervisors should be advised that:

(i) Their work performance is being evaluated on the basis of their affirmative action efforts and results, as well as other criteria.

(ii) The contractor is obligated to prevent harassment of employees placed through affirmative action efforts, as set forth in § 60-741.51.

(2) Identify problem areas in conjunction with line management and known handicapped employees in the implementation of the affirmative action programs, and develop solutions. This is particularly important for the accommodations requirements.

(3) Design and implement audit and reporting systems that will:

(i) Measure effectiveness of the contractor's programs.

(ii) Indicate need for remedial action.

(iii) Determine the degree to which the contractor's objectives have been attained.

(iv) Determine whether known handicapped employees have had the opportunity to participate in all company sponsored educational, training, recreational and social activities.

(v) Ensure that each location is in compliance with the Act and the regulations in this Part.

(4) Serve as liaison between the contractor and enforcement agencies.

(5) Serve as liaison between the contractor and organizations of and for handicapped persons, and arrange for the active involvement by company representatives in the community service programs of local organizations of and for the handicapped.

(6) Keep management informed of the latest developments in the entire affirmative action area.

(7) Arrange for career counseling for known handicapped employees.

(i) *Development and execution of affirmative action programs.* (1) Job qual-

ification requirements reviewed pursuant to subsection (c) of this section should be made available to all members of management involved in the recruitment, screening, selection, and promotion process.

(2) The contractor should evaluate the total selection process including training and promotion to ensure freedom from stereotyping handicapped persons in a manner which limits their access to all jobs for which they are qualified.

(3) All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be carefully selected and trained to ensure that the commitments in its affirmative action program are implemented.

(4) Formal briefing sessions should be held, preferably on company premises, with representatives from recruiting sources, plant tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature should be an integral part of the briefings. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.

(5) A special effort should be made to include qualified handicapped persons on the personnel relations staff.

(6) Handicapped employees should be made available for participation in career days, youth motivation programs, and related activities in their communities.

(7) Recruiting efforts at all schools should incorporate special efforts to reach handicapped students.

(8) An effort should be made to participate in workstudy programs with rehabilitation facilities and schools which specialize in training or educating handicapped individuals.

(9) The contractor should use all available resources to continue or establish on the job training programs.

(j) *Sheltered workshops.* Contracts with sheltered workshops do not constitute affirmative action in lieu of employment and advancement of qualified handicapped individuals in the contractor's own workforce. Contracts with sheltered workshops may be included within an affirmative action program if the sheltered workshop trains employees for the contractor and the contractor is obligated to hire trainees at full compensation when such trainees become qualified as "qualified handicapped individual" as defined in § 60-741.2.

§ 60-741.7 Determination of handicap.

(a) Any handicapped individual filing a complaint with the Director under this Part shall submit with his or her complaint a signed statement specifying the handicapping impairment or situation (see Section 60-741.2 definition of "handicapped individual"). If the Director determines that further documentation is necessary, he or she may require the complainant to provide additional information.

(b) Any contractor requiring a determination of an applicant's or employee's handicap may require the applicant or employee to provide medical documentation of the impairment or, in the alternative, may require the applicant or employee to undergo a medical examination at the contractor's expense.

(c) Any determination of handicap required pursuant to paragraph (b) of this section must meet the requirements of § 60-741.5(c) and must be for the purpose of affirmative action and proper job placement. Information obtained therefrom shall not be used to exclude or otherwise limit the employment opportunities of qualified handicapped individuals.

(d) All medical documentation required under this section shall be based upon the American Medical Association Guides to the Evaluation of Permanent Impairment, provided that the Guides shall be used only to determine the existence of impairment without regard to the degree of impairment.

§ 60-741.8 Listing of employment openings.

Contractors should request state employment security agencies to refer qualified handicapped individuals for consideration under their affirmative action programs.

§ 60-741.9 Labor unions and recruiting and training agencies.

(a) Whenever performance in accordance with the affirmative action clause or any matter contained in the regulations in this Part may necessitate a revision of a collective bargaining agreement, the labor union or unions which are parties to such agreements shall be given an adequate opportunity to present their views to the agency, or to the Director.

(b) The Director shall use his or her best efforts, directly or through contractors, subcontractors, local officials, vocational rehabilitation facilities, and all other available instrumentalities, to cause any labor union, recruiting and training agency or other representative of workers who are or may be engaged in work under contracts and subcontracts to cooperate with, and to assist in, the implementation of the purposes of the Act.

Subpart B—General Enforcement and Complaint Procedure

§ 60-741.20 Subcontracts.

Each nonexempt prime contractor and subcontractor shall include the affirmative action clause prescribed in § 60-741.3 in each of their nonexempt subcontracts. The clause may be incorporated by reference in accordance with § 60-741.22.

§ 60-741.21 Adaptation of language.

Such necessary changes in language may be made to the affirmative action clause (see § 60-741.3) as shall be appropriate to identify properly the parties and their undertakings.

fording to a prime contractor or a subcontractor or a prospective prime contractor or subcontractor by the agency or Director in any of the following circumstances:

(1) An apparent violation of the affirmative action clause by a contractor or subcontractor, as shown by any investigation, is not resolved by informal means and a hearing is requested; or

(2) The Director, or an agency upon prior notification to the Director, proposes to cancel or terminate the contract or withhold progress payments, or cause the contract to be canceled or terminated or progress payments to be withheld, in whole or in part, on a contract or contracts, or to require cancellation or termination of a contract or subcontract or withholding of progress payments; or

(3) The Director, or an agency with the approval of the Director, proposes to declare a prime contractor or subcontractor ineligible for further contracts or subcontracts under the Act.

(b) Hearing practice and procedure.

(1) Hearings conducted by the Office of Federal Contract Compliance Programs under this Part shall be governed by the rules of practice and procedure contained in 41 CFR Part 60-30 except that the Director shall perform all the duties and functions assigned to the Secretary by that Part.

(2) The practice and procedure for hearings conducted by agencies shall be consistent with the requirements of this section.

(A) Written notices of proposed action for noncompliance, signed by the appropriate agency official, shall be sent to the last known address of the prime contractor or subcontractor by certified mail, return receipt requested. If the contractor does not receive such notice, a copy of such notice shall be published in the FEDERAL REGISTER. The notice shall contain a precise jurisdictional statement, a short and plain statement of the matters furnishing a basis for the action for noncompliance, an enumeration of the actions being requested, and a citation of the provisions pursuant to which the requested action may be taken. The prime contractor or subcontractor shall be afforded at least 14 days from receipt of the notice of proposed action or noncompliance in which to file an answer to the notice and a request for a hearing with the agency and the contractor shall be so informed in the notice. The answer shall admit or deny specifically, and in detail, matters set forth in each allegation of the notice unless the prime contractor or subcontractor is without knowledge, in which case the answer shall so state, and the statement shall be deemed a denial. Matters not specifically denied shall be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered. The hearing request shall be included as a separate paragraph of the answer.

(B) Reasonable notice of the hearing shall be sent by certified mail, return receipt requested, to the last known address of the prime contractor or subcontractor complained against. Such

notice shall contain the time, place, and nature of the hearing and a statement of the legal authority pursuant to which the hearing is to be held. Hearings shall be before a hearing officer designated by or at the direction of the agency head. Each party shall have the right to counsel or other representative, a fair opportunity to present evidence and argument, and to cross-examine. Whenever a formal hearing is based in whole or in part on matters subject to the collective bargaining agreement and compliance may necessitate a revision of such agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. Whenever a hearing is held on a complaint under § 60-741.27 any person or organization shall be permitted to participate upon a showing that such person or organization has an interest in the proceedings and may contribute materially to the proper disposition thereof. The hearing officer shall make his or her proposed findings and conclusions upon the basis of the record.

(C) If, at the end of the 14-day period referred to in this section, no answer including a hearing request has been filed or the answer does not raise issues of fact or law, the agency head may cancel or terminate or cause to be canceled or terminated, or withhold progress payments with respect to any one or more contracts or subcontracts, or parts thereof, held by the prime contractor or subcontractor complained against, or enter an order declaring such contractor or subcontractor ineligible for further contracts, subcontracts, or extensions or other modifications of existing contracts, until the contractor or subcontractor has satisfied the Director that it has established and will carry out personnel and employment policies and practices in compliance with the provisions of the Act, affirmative action clause, and the regulations.

(D) When the hearing is conducted by an agency, the hearing officer shall make recommendations to the head of the agency who shall make a decision whether action for noncompliance will be taken against the contractor or subcontractor. No decision by the head of the agency, or his or her representative, shall be final without the prior approval of the Director. Parties shall be furnished with copies of the hearing officer's recommendations, and shall be given an opportunity to submit their views.

#### § 60-741.30 Notification of agencies.

The Director shall notify the heads of all agencies of any action for noncompliance taken against any contractor after such actions have been taken. No agency may issue a waiver under § 60-741.24(b) (1) to any contractor subject to such action without prior approval of the Director.

#### § 60-741.31 Contractor ineligibility list.

The Director shall distribute periodically a list to all executive departments and agencies giving the names of prime contractors and subcontractors who have

been declared ineligible under the regulations in this Part and the Act.

#### § 60-741.32 Disputed matters related to the affirmative action program.

The procedures set forth in the regulations in this Part govern all disputes relative to a contractor's compliance with the affirmative action clause and the requirements of this Part. Any disputes relating to issues other than compliance, including contract costs arising out of the contractor's efforts to comply, shall be determined by the disputes clause of the contract.

#### Subpart C—Ancillary Matters

#### § 60-741.50 Reinstatement of ineligible contractors and subcontractors.

Any prime contractor or subcontractor debarred from further contracts or subcontracts under the Act may request reinstatement in a letter directed to the Director. In connection with the reinstatement proceedings, the prime contractor or subcontractor shall be required to show that it has established and will carry out employment policies and practices in compliance with the affirmative action clause.

#### § 60-741.51 Intimidation and interference.

The sanctions and penalties contained in this regulation may be exercised by the agency or the Director against any prime contractor or subcontractor, who fails to take all necessary steps to ensure that no person intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with the filing of a complaint, furnishing information, or assisting or participating in any manner in an investigation, compliance review, hearing, or any other activity related to the administration of the Act.

#### § 60-741.52 Recordkeeping.

(a) Each contractor and subcontractor shall maintain for a period not less than one year records regarding complaints and actions taken thereunder, and such employment or other records as required by the Director or agency or by this Part and shall furnish such information in the form required by the Director or agency or by the Director deems necessary for the administration of the Act and regulations issued under this Part.

(b) Failure to maintain complete and accurate records as required under this section or failure to update annually the affirmative action program as required by § 60-741.5(b) constitutes noncompliance with the contractor's or subcontractor's obligations under the affirmative action clause and is a ground for the imposition of appropriate sanctions.

#### § 60-741.53 Access to records of employment.

Each prime contractor and subcontractor shall permit access during normal business hours to its places of business, books, records and accounts pertinent to compliance with the Act, and all rules and regulations promulgated pursuant

**§ 60-711.22 Incorporation by reference.**

The affirmative action clause and the regulations contained in this Part may be incorporated by reference in all contracts and subcontracts.

**§ 60-711.23 Incorporation by operation of the Act and agency regulations.**

By operation of the Act, the affirmative action clause shall be considered to be a part of every contract and subcontract required by the Act and the regulations in this Part to include such a clause, whether or not it is physically incorporated in such contracts and whether or not it contains a written contract between the agency and the contractor.

**§ 60-741.24 Duties of agencies.**

(a) General responsibility. Each agency shall cooperate with the Director in the performance of his or her responsibilities under the Act. Such cooperation shall include the responsibility to ensure that contractors are fully cognizant of their obligations under the Act and this Part, to provide the Director with any information which comes to its attention that the contractor is not in compliance with the Act or this Part, and to take such action for non-compliance as set forth in § 60-741.31 as may be ordered by the Director.

(b) Designation of agency official. The head of each agency, or his or her designee, shall identify and submit to the Director the name, address and telephone number of the official within the agency who is primarily responsible for implementation of this program within the agency.

**§ 60-741.25 Evaluations by the Director.**

The Director shall be primarily responsible for undertaking such investigations of complaints and other matters as well as evaluations of contractor and agency performance as may be necessary to assure that the purposes of section 503 of the Rehabilitation Act of 1973 are being effectively carried out.

**§ 60-711.26 Complaint Procedures.**

(a) Place and time of filing. Any applicant for employment with a contractor or any employee of a contractor may, personally or by an authorized representative, file a written complaint with the Director alleging a violation of the Act or the regulations in this Part. Such complaint must be filed within 180 days from the date of the alleged violation, unless the time for filing is extended by the Director for good cause shown.

(b) Referral to contractor. When a complaint is filed by an employee of a contractor and the contractor has an applicable internal review procedure, the complaint shall be referred to the contractor for processing under that procedure. The complaint and all actions taken thereunder shall be kept confidential by the contractor. If there has not been a resolution of the complaint under that procedure satisfactory to the complainant within 60 days of the referral, the Department of Labor or the

designated agency will proceed as provided in this section.

(c) Contents of complaints. Complaints must be signed by the complainants or their authorized representatives and must contain the following information: (1) Name and address (including telephone number) of the complainant, (2) name and address of the contractor or subcontractor who committed the alleged violation, (3) a description of the act or acts considered to be a violation, (4) a signed statement that the individual is handicapped or has a history of a handicap or other documentation of impairment or was regarded by the contractor as having an impairment, and (5) other pertinent information available which will assist in the investigation and resolution of the complaint, including the name of any known federal agency with which the employer has contracted.

(d) Incomplete information. Where a complaint contains incomplete information, the Director or the agency designated by the Director for investigation of the complaint shall seek the needed information from the complainant. If the information is not furnished to the agency or the Director within 60 days of the date of such request, the case may be closed.

(e) Investigations. The Department of Labor or the designated agency shall institute a prompt investigation of each complaint, and shall be responsible for developing a complete case record. A complete case record consists of the following: (1) Name and address of each person interviewed, (2) a summary of his or her statement, (3) copies or summaries of pertinent documents, (4) a narrative summary of the evidence disclosed in the investigation as it related to each charge, and (5) recommended findings and resolution.

(f) Responsibilities of agencies. Agencies shall conduct investigations of complaints in accordance with specific requests of the Director.

(g) Resolution of matters. (1) If the complaint investigation shows no violation of the Act or regulations in this Part, or if the agency or the Director decides not to initiate administrative or legal proceedings against the contractor, the complainant shall be so notified. Within 30 days, the complainant may request review by the Director of such a finding or decision.

(2) Where an investigation indicates that the contractor has not complied with the requirements of the Act or this Part, efforts shall be made to secure compliance through conciliation and persuasion within a reasonable time. Before the contractor or subcontractor can be found to be in compliance, it must make a specific commitment. In writing, to take corrective action to meet the requirements of the Act and this Part. The commitment must indicate the precise action to be taken and dates for completion. The time period allowed should be no longer than the minimum period necessary to effect such changes. Upon approval of

such commitment by the Director or the agency, the contractor may be considered in compliance on condition that the commitments are kept. Where the matter has been referred to an agency for investigation and resolution, the contractor and the complainant shall be advised that the resolution is subject to review by the Director and may be disapproved if it is determined that such resolution is not sufficient to achieve compliance.

(3) Where the complaint investigation indicates a violation of the Act or regulations in this Part, (and the complaint has not been resolved by informal means) the Director, or the agency with the approval of the Director, shall afford the contractor an opportunity for a hearing in accordance with § 60-741.29.

**§ 60-741.27 Noncompliance with the affirmative action clause.**

Noncompliance with the prime contractor's subcontractor obligations under the affirmative action clause is a ground for taking appropriate action for noncompliance as set forth in § 60-741.29 by the agency, the Director, prime contractor, or subcontractor. Any such noncompliance shall be reported in writing to the Director by the agency as soon as practicable after it is identified.

**§ 60-711.28 Actions for noncompliance.**

(a) General. In every case where any complaint investigation indicates the existence of a violation of the affirmative action clause or these regulations, the matter should be resolved by informal means, including conciliation, and persuasion, whenever possible. This will also include establishing a corrective action program in accordance with § 60-741.26 (g) (2). Where the apparent violation is not resolved by informal means, the Director or the agency shall proceed in accordance with the enforcement procedures contained in this Part.

(b) Judicial enforcement. In addition to the administrative remedies set forth herein, the Director may, within the limitations of applicable law, seek appropriate judicial action to enforce the contractual provisions set forth in § 60-741.4 including appropriate injunctive relief.

(c) Withholding progress payments. With the prior approval of the Director so much of the accrued payment due on the contract or any other contract between the government prime contractor and the federal government may be withheld as necessary to correct any violations of the provisions of the affirmative action clause.

(d) Termination. A contract or subcontract may be cancelled or terminated, in whole or in part, for failure to comply with the provisions of the affirmative action clause.

(e) Debarment. A prime contractor or subcontractor or a prospective contractor or subcontractor may be debarred from receiving future contracts for failure to comply with the provisions of the affirmative action clause.

**§ 60-741.29 Formal hearings.**

(a) Hearing opportunity. An opportunity for a formal hearing shall be af-

# PART 60-741 — AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

(Reprint from Federal Register Volume 42, No. 70 — Tuesday, April 12, 1977, Pages 19145 & 19146)

## PART 60-741—AFFIRMATIVE ACTION OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS FOR HANDICAPPED WORKERS

### Formal Hearings

AGENCY: Office of Federal Contract Compliance Programs Labor.

ACTION: Final rule.

SUMMARY: The Office of Federal Contract Compliance Programs is amending the procedural regulations for hearings conducted to enforce section 503 of the Rehabilitation Act of 1973, as amended. The amendments are intended to conform the hearing procedures under this Act to changes that have been made in the procedural rules for hearings under Executive Order No. 11246, which prohibits discrimination in employment by government contractors on the basis of race, color, religion, sex or national origin.

EFFECTIVE DATE: April 12, 1977.

### FOR FURTHER INFORMATION CONTACT:

David A. Drachler, Counsel for Equal Opportunity Programs, U.S. Department of Labor, Room N-2414, Washington, D.C. 20210, 202-523-8222.

SUPPLEMENTARY INFORMATION: On April 16, 1976, the Department of Labor published amendments to the regulations (41 CFR 16147) implementing section 503 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793). Those amendments included a provision that hearings conducted by the Office of Federal Contract Compliance Programs to enforce the provisions of section 503 of the Rehabilitation Act shall be governed by the rules of practice and procedure contained in 41 CFR Part 60-30. The procedures for hearings to be conducted by compliance agencies were required to meet certain standards set forth in the amended regulations at 41 CFR 60-741.29.

Part 60-30 contains the rules of practice and procedure governing hearings to enforce Executive Order 11246, as amended. On January 18, 1977, the Department of Labor published regulations in the Federal Register (42 FR 3454) which, among other things, amended the rules of practice and procedure contained in 41 CFR Part 60-30. The purpose of the regulations published today is to amend the hearing practice and procedure provisions of the regulations implementing section 503 of the Rehabilitation Act to conform them to the changes made in 41 CFR Part 60-30 by the amendments published on January 18, 1977, and adopt the rules of practice and procedure in 41 CFR Part 60-30 for hearings conducted under section 503 of the Rehabilitation Act.

In addition, reference to hearings conducted by agencies under this Part has been deleted because it is not contemplated that agencies will have enforcement responsibilities under the Rehabilitation Act.

Because the amendments published today deal with matters of agency practice and procedure and do not enlarge or diminish any rights or obligations of contractors and subcontractors they are effective on April 12, 1977, without publication or notice and comment, under 5 U.S.C. 553(b) (3) (A).

This document was prepared under the direction and control of James D. Henry, Associate Solicitor, Division of Labor Relations and Civil Rights, 202-523-8238.

RAY MARSHALL,  
Secretary of Labor.

DONALD ELISBURG,  
Assistant Secretary, Employment Standards Administration.

A. DIANE GRAHAM,  
Acting Director, OFCCP.

In consideration of the foregoing, CFR 60-741.29(b) is revised in entirety to read as set forth below.

### § 60-741.29 Formal hearings.

#### (b) Hearing practice and procedure.

(1) All hearings conducted under section 503 of the Rehabilitation Act of 1973, as amended, and the regulations in this Part shall be governed by the Rules of Practice for Administrative Proceedings to Enforce Equal Opportunity Under Executive Order 11246, as amended, in 41 CFR Part 60-30 except that complaints shall be issued by the Associate Solicitor, Division of Labor Relations and Civil Rights, Office of the Solicitor, rather than by the Solicitor of Labor.

(2) For the purposes of hearings pursuant to this Part 60-741, reference in 41 CFR Part 60-30 to "Executive Order 11246" shall mean section 503 of the Rehabilitation Act of 1973, as amended; to "equal opportunity clause" shall mean the affirmative action clause published at 41 CFR 60-741.4; and "regulations" shall mean the regulations contained in this Part 60-741.

(3) The Administrative Law Judge's recommended findings, conclusions and decision shall be certified to the Assistant Secretary, Employment Standards Administration rather than to the head of the compliance agency or to the Secretary (see 41 CFR § 60-30.27). Accordingly, exceptions to the recommended decision (41 CFR § 60-30.28) shall be filed with the Assistant Secretary, Employment Standards Administration, and the final Administrative Order contemplated by 41 CFR § 60-30.30 shall be issued by the Assistant Secretary, Employment Standards Administration. Except for these changes in procedure, all the other provisions of the rules of practice cited in this 41 CFR § 60-741.29(b) shall remain in full force and effect.

[FR Doc 77-10753 Filed 4-11-77; 8:45 am]



thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

**§ 60-741.54 Rulings and interpretations.**

Rulings under or interpretations of the Act and the regulations contained in this Part 741 shall be made by the Secretary or his or her designee.

**Effective date.** The regulations in this Part shall become effective on May 17, 1976.

Signed at Washington, D.C. this 9th day of April, 1976.

W. J. USEERY, Jr.,  
Secretary of Labor.

R. C. CHASE,  
Deputy Assistant Secretary  
for Employment Standards.

LAWRENCE Z. LORBER,  
Director, Office of Federal  
Contract Compliance Programs.

**APPENDIX A—GUIDELINES ON THE APPLICATION OF THE DEFINITION "HANDICAPPED INDIVIDUAL"**

The Rehabilitation Act of 1973, as amended, defines a handicapped individual for the purposes of the program as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

"Life activities" may be considered to include communication, ambulation, self-care, socialization, education, vocational training, employment, transportation, adapting to housing, etc. For the purpose of section 503 of the Act, primary attention is given to those life activities that affect employability.

The phrase "substantially limits" means the degree that the impairment affects employability. A handicapped individual who is likely to experience difficulty in securing, retaining or advancing in employment would be considered substantially limited.

"Has a record of such an impairment" means that an individual may be completely recovered from a previous physical or mental impairment. It is included because the attitude of employers, supervisors, and coworkers toward that person may result in an individual experiencing difficulty in securing, retaining, or advancing in employment. The mentally restored, those who have had heart attacks or cancer attacks may experience such difficulty. Also, this part of the definition would include individuals who may have been erroneously classified and may experience discrimination based on this misclassification. This group may include persons such as those who have been misclassified as mentally retarded or mentally restored.

"Is regarded as having such an impairment" refers to those individuals who are perceived as having a handicap, whether an impairment exists or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers, or supervisors who have an effect on the individual securing, retaining or advancing in employment.

**APPENDIX B**

This employer is a government contractor subject to section 503 of the Rehabilitation Act of 1973, which requires government con-

tractors to take affirmative action to employ and advance in employment qualified handicapped individuals. If you have such a handicap and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (1) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals, and regarding necessary accommodations, (2) first aid and safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (3) government officials investigating compliance with the Act shall be informed.

If you are handicapped, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your handicap, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

**APPENDIX C**

The following is a set of procedures which contractors may use to meet the requirements of § 60-741.6(b).

(1) The application or personnel form of each known handicapped applicant should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known handicapped employee should include (1) the identification of each promotion for which the handicapped employee was considered, and (2) the identification of each training program for which the handicapped employee was considered.

(3) In each case where a handicapped employee or applicant is rejected for employment, promotion or training, a statement of the reasons should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the handicapped applicant or employee and the person(s) selected, as well as a description of the accommodation considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a handicapped individual on the job, the application form or personnel record should contain a description of that accommodation.

[FR Doc.76-11094 Filed 4-15-76; 8:45 am]

thereto for the purposes of complaint investigations, and investigations of performance under the affirmative action clause of the contract or subcontract. Information obtained in this manner shall be used only in connection with the administration of the Act.

#### **§ 60-741.54 Rulings and interpretations.**

Rulings under or interpretations of the Act and the regulations contained in this Part 741 shall be made by the Secretary or his or her designee.

*Effective date.* The regulations in this Part shall become effective on May 17, 1976.

Signed at Washington, D.C. this 9th day of April, 1976.

W. J. USERY, Jr.,  
Secretary of Labor.

R. C. CHASE,  
Deputy Assistant Secretary  
for Employment Standards.

LAWRENCE Z. LORBER,  
Director, Office of Federal  
Contract Compliance Programs.

#### **APPENDIX A—GUIDELINES ON THE APPLICATION OF THE DEFINITION "HANDICAPPED INDIVIDUAL"**

The Rehabilitation Act of 1973, as amended, defines a handicapped individual for the purposes of the program as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities, has a record of such impairment, or is regarded as having such an impairment.

"Life activities" may be considered to include communication, ambulation, self-care, socialization, education, vocational training, employment, transportation, adapting to housing, etc. For the purpose of section 503 of the Act, primary attention is given to those life activities that affect employability.

The phrase "substantially limits" means the degree that the impairment affects employability. A handicapped individual who is likely to experience difficulty in securing, retaining or advancing in employment would be considered substantially limited.

"Has a record of such an impairment" means that an individual who is completely recovered from a previous physical or mental impairment. It is included because the attitude of employers, supervisors, and coworkers toward that previous impairment may result in an individual experiencing difficulty in securing, retaining, or advancing in employment. The mentally restored, those who have had heart attacks or cancer often experience such difficulty. Also, this part of the definition would include individuals who may have been erroneously classified and may experience discrimination based on this misclassification. This group may include persons such as those who have been misclassified as mentally retarded or mentally restored.

"Is regarded as having such an impairment" refers to those individuals who are perceived as having a handicap, whether an impairment exists or not, but who, because of attitudes or for any other reason, are regarded as handicapped by employers, or supervisors who have an effect on the individual securing, retaining or advancing in employment.

#### **APPENDIX B**

This employer is a government contractor subject to section 503 of the Rehabilitation Act of 1973, which requires government con-

tractors to take affirmative action to employ and advance in employment qualified handicapped individuals. If you have such a handicap and would like to be considered under the affirmative action program, please tell us. Submission of this information is voluntary and refusal to provide it will not subject you to discharge or disciplinary treatment. Information obtained concerning individuals shall be kept confidential, except that (i) supervisors and managers may be informed regarding restrictions on the work or duties of handicapped individuals, and regarding necessary accommodations, and (ii) safety personnel may be informed, when and to the extent appropriate, if the condition might require emergency treatment, and (iii) government officials investigating compliance with the Act shall be informed.

If you are handicapped, we would like to include you under the affirmative action program. It would assist us if you tell us about (1) any special methods, skills and procedures which qualify you for positions that you might not otherwise be able to do because of your handicap, so that you will be considered for any positions of that kind, and (2) the accommodations which we could make which would enable you to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

#### **APPENDIX C**

The following is a set of procedures which contractors may use to meet the requirements of § 60-741.6(b).

(1) The application or personnel form of each known handicapped applicant should be annotated to identify each vacancy for which the applicant was considered, and the form should be quickly retrievable for review by the agency, the Department of Labor and the contractor's personnel officials for use in investigations and internal compliance activities.

(2) The personnel or application records of each known handicapped employee should include (i) the identification of each promotion for which the handicapped employee was considered, and (ii) the identification of each training program for which the handicapped employee was considered.

(3) In each case where a handicapped employee or applicant is rejected for employment, promotion or training, a statement of the reasons should be appended to the personnel file or application form. This statement should include a comparison of the qualifications of the handicapped applicant or employee and the person(s) selected, as well as a description of the accommodations considered. This statement should be available to the applicant or employee concerned upon request.

(4) Where applicants or employees are selected for hire, promotion or training and the contractor undertakes any accommodation which makes it possible for him or her to place a handicapped individual on the job, the application form or personnel record should contain a description of that accommodation.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

August 8, 1978

Ms. Virginia Grace  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of August 11, 1978 and August 18, 1978, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, Indiana

Bill No. G-78-05-12  
(as amended) (as amended)  
General Ordinance No. G-21-78  
Metropolitan Human Relations Ordinance

Please send us (5) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman  
City Clerk

CWW/ne  
ENCL: 1



## THE CITY OF FORT WAYNE

METROPOLITAN HUMAN RELATIONS COMMISSION RM 680  
CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802  
(219) 423-7664

July 6, 1978

Mr. Winfield Moses, Jr.  
Councilman  
1212 Westover  
Fort Wayne, IN 46807

Dear Councilman Moses:

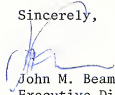
After our discussion of July 5, 1978, we determined that it would be appropriate to amend the pending bill so as to exclude protection of drug abusers and alcoholics. Also the word "such" should be omitted from the third line of paragraph 6 of Article II, Section 1.

Thus, Article II, Section 1(6) should be amended as follows:

The term "handicap" means (1) a physical or mental impairment which substantially limits one or more of a person's major life activities, or (2) a record of such an impairment, and includes (3) a person who is regarded as having such an impairment. This term does not apply to drug or alcohol abuse or addiction.

Again, thank you for spending the time to discuss this matter with us. I am most happy to sit down with you at any time to interchange about our mutual concerns.

Sincerely,

  
John M. Beams  
Executive Director

JB/tls

LEGAL NOTICE

Notice is hereby given that on the 25th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-13 (as amended) (as amended) --- General Ordinance No. G-21-78 being AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO. G-12-72 AND AMENDING GENERAL ORDINANCE NO. G-35-75 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) (as amended) --- General Ordinance No. G-21-78, was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) (as amended) --- General Ordinance No. G-21-78 is posted in the following places in Fort Wayne, Allen County, Indiana

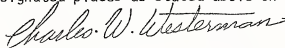
- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as amended) (as amended) --- General Ordinance No. G-21-78, is also available for reading in the following public places in Fort Wayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

  
\_\_\_\_\_  
Charles W. Westerman  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978

  
\_\_\_\_\_  
Charles W. Westerman  
City Clerk

Common Council of Fort Wayne  
(Governmental Unit)

JOURNAL-GAZETTE

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

61

2

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at \$250¢  
cents per line

\$ 16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 17.82

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Notice is hereby given that on the 25th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 being AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO. G-12-77 AND AMENDING GENERAL ORDINANCE NO. G-85-70 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION.

1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

COPIES OF SAID BILL NO. G-78-05-13 (AS AMENDED) — GENERAL ORDINANCE NO. G-21-78 IS POSTED IN THE FOLLOWING PLACES IN FORT WAYNE, ALLEN COUNTY, INDIANA.

- (1) The main floor lobby of the City County Building
  - (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
  - (3) The bulletin board in the lobby at the east door of the Allen County Court House
- Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana:
- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
  - (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 152, City County Building, Fort Wayne, Indiana, Charles W. Westerman City Clerk, 1. Charles W. Westerman, Clerk of the City of Fort Wayne Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

Arvilla DeWald

CLERK

Title

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

8/11-18/XX 78

Subscribed and sworn to before me 18th day of August 1978

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

JOURNAL-GAZETTE

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number in notice

61

2

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .250¢ cents per line

\$ 16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 17.82

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date August 18, 1978

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

8/11-18/1978

Subscribed and sworn to before me 18th day of August 1978

Arvilla DeWald

Notary Public

My commission expires September 28, 1979

1. 4-10-78 4-10-78 4-10-78 9 1 10-10-78  
2. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
3. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
4. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
5. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
6. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
7. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
8. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
9. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
10. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
11. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
12. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
13. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
14. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
15. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
16. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
17. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
18. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
19. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
20. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
21. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
22. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
23. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
24. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
25. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
26. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
27. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
28. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
29. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
30. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
31. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
32. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
33. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
34. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
35. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
36. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
37. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
38. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
39. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
40. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
41. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
42. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
43. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
44. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
45. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
46. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
47. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
48. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
49. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
50. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
51. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
52. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
53. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
54. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
55. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
56. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
57. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
58. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
59. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
60. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
61. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
62. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
63. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
64. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
65. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
66. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
67. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
68. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
69. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
70. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
71. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
72. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
73. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
74. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
75. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
76. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
77. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
78. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
79. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
80. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
81. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
82. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
83. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
84. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
85. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
86. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
87. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
88. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
89. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
90. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
91. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
92. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
93. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
94. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
95. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
96. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
97. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
98. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
99. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78  
100. 4-10-78 4-10-78 4-10-78 15 21 00 10-10-78

## CH COPY OF

(1) The main floor lobby of the City-County Building  
(2) The Bulletin board in the lobby of the Downtown Fort Wayne Public Library  
(3) The Bulletin board in the lobby at the east door of the Allen County Court House  
(4) The Reference Room in the north end of the main floor in said Downtown Public Library  
(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 172, City-County Building, Fort Wayne, Indiana, Charles W. Westernman City Clerk, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westernman  
City Clerk



Common Council of Fort Wayne  
(Governmental Unit)

JOURNAL-GAZETTE

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number in notice

61

2

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .25¢  
cents per line

\$ 16.22

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 17.62

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Notice is hereby given that on the 25th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 being AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO. G-12-72 AND AMENDING GENERAL ORDINANCE NO. G-35-75 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following

places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building  
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana. Charles W. Westerman, City Clerk I, Charles W. Westerman, Clerk of the City of Fort Wayne Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

Arvilla DeWald

CLERK

Title

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time the dates of publication being as follows:

8/11-18/1978

Subscribed and sworn to before me on 18th day of August 1978

Notary Public

My commission expires September 28, 1979



Common Council of Fort Wayne  
(Governmental Unit)

JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

61

2

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .25¢ cents per line \$ 16.22

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 17.82

## DATA FOR COMPUTING COST

Width of single column 9.9 cms

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla Dewald

Date August 18, 1978

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE

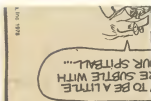
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time on the dates of publication being as follows:

8/11-18/1978

Subscribed and sworn to before me 18th day of August 1978

Notary Public

My commission expires September 28, 1979



NOTICE: Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby of the City County Building
- (2) The Bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The Bulletin board in the lobby at the east door of the Allen County Court House
- (4) Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78 is also available or reading in the following public places in Fort Wayne, Indiana:
- (5) The Reference Room in the north end of the main floor in said Downtown Public Library
- (6) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana. Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westernman  
City Clerk

Common Council of Fort Wayne

(Governmental Unit)

JOURNAL-GAZETTE

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines \_\_\_\_\_

Tail number of lines \_\_\_\_\_

Total number \_\_\_\_\_ in notice \_\_\_\_\_

61

2

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .25¢ cents per line \_\_\_\_\_

16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two) \_\_\_\_\_

TOTAL AMOUNT OF CLAIM

17.82

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Notice is hereby given that on the 25th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 being AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO. G-12-72 AND AMENDING GENERAL ORDINANCE NO. G-35-75 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available for reading in the following public places in Fort Wayne, Indiana:

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library.
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

Amelia De Told  
Title \_\_\_\_\_ CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is \_\_\_\_\_ CLERK of the \_\_\_\_\_

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time the dates of publication being as follows: 6/11-18/XX 78

Subscribed and sworn to before me 18th day of August 1978

My commission expires September 26, 1979

## Common Council of Fort Wayne

(Governmental Unit)

JOURNAL-GAZETTE

Dr.

Allen

County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

61

2

63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .2594 cents per line

16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

1.50

TOTAL AMOUNT OF CLAIM

17.82

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date August 18, 1978

Title ARVILLA DEWALD CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time the dates of publication being as follows:

8/11-16/1978

Subscribed and sworn to before me on

18th

day of

August

1978

My commission expires

September 28, 1979

Notary Public

Office

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following

places in Fort Wayne, Allen County, Indiana:  
(1) The main floor lobby of the City-County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, is also available in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122-City-County Building, Fort Wayne, Indiana, Charles W. Westerman City Clerk I, Charles W. Westerman, Clerk of the City of Fort Wayne Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL

Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines \_\_\_\_\_ 61Tail number of lines \_\_\_\_\_ 2Total number of lines in notice \_\_\_\_\_ 63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at 2594 cents per line \_\_\_\_\_

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) \_\_\_\_\_ 1.50

TOTAL AMOUNT OF CLAIM \_\_\_\_\_

17.82

## DATA FOR COMPUTING COST

Width of single column 9.9 emsSize of type 5 1/2 pointNumber of insertions 2Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

at 18, 19 78

Title \_\_\_\_\_ CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } as:Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and published in the English language in the city } of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:8/11-18/78Subscribed and sworn to before me this 18th day of August, 19 78

Notary Public

My commission expires September 26, 1979

514 2000  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 being an ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO. G-12-78 AND AMENDING GENERAL ORDINANCE NO. G-35-75 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION.

1. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following places in Fort Wayne, Allen County, Indiana.

(1) The main floor lobby of the City-County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana. Charles W. Westerman, Clerk of the City of Fort Wayne Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines 61

Tail number of lines 2

Total number of lines in notice 63

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .2594 \_\_\_\_\_  
cents per line \$ 16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM

\$ 17.82

## DATA FOR COMPUTING COST

Width of single column 9.9 \_\_\_\_\_ Size of type 5 1/2 point  
ems

Number of insertions 2 \_\_\_\_\_ Size of quad upon which type is cast 5 1/2 \_\_\_\_\_

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date August 18, 1978

Title \_\_\_\_\_ CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is \_\_\_\_\_ CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

8/11-18/78Subscribed and sworn to before me this 18th day of August, 1978

Notary Public

My commission expires September 28, 1979

Part time, primarily adult therapy.  
**HEARING  
SPEECH  
CLINICIAN**  
Wayne, Indiana 46786  
Phone No. 10 to 101  
Fax No. 10 to 101  
Residence: 101 to 101  
Office: 101 to 101  
Remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following places in Fort Wayne, Allen County, Indiana:  
(1) The main floor lobby of the City-County Building  
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library  
(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana:  
(4) The Reference Room in the north end of the main floor in said Downtown Public Library  
(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk



Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

FORT WAYNE, INDIANA

Allen County, Ind.

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)  
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at \$25.04 cents per line \$ 16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

## DATA FOR COMPUTING COST

Width of single column 9.9 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just no part of the same has been paid.

Notice is hereby given that on the 25th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 being an ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-10 AS AMENDED BY GENERAL ORDINANCE NO. G-12-72 AND AMENDING GENERAL ORDINANCE NO. G-31-75 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following

places in Fort Wayne, Allen County, Indiana.

(1) The main floor lobby of the City-County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

(3) The Bulletin board in the lobby at the east door of the Allen County Court House.

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available

for reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library.

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

TRUE COPY OF  
ADVERTISEMENT HERE

## PUBLISHER'S AFFIDAVIT

State of Indiana }  
Allen County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows: 8/11-18/78

Subscribed and sworn to before me this 18th day of August 1978

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines \_\_\_\_\_

Head number of lines \_\_\_\_\_

Body number of lines 61

Tail number of lines 2

Total number of lines in notice 63

COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .2594 cents per line \$ 16.32

Additional charge for notices containing rule or tabular work (50 per cent of above amount) \_\_\_\_\_

Charge for extra proofs of publication (50 cents for each proof in excess of two) 1.50

TOTAL AMOUNT OF CLAIM \$ 17.82

DATA FOR COMPUTING COST

Width of single column 9.9 11 ems Size of type 5 1/2 point

Number of insertions 2 Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. Gerken

Date August 12, 1978

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } as:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows: 8/11-18/78

V. E. Gerken  
Subscribed and sworn to before me this 18th day of August, 1978

Notary Public

My commission expires September 26, 1979

Office: Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following

CH COPY OF  
ISEMENT HERE

places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City County Building

(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana. Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk



Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

## COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at \$250 cents per line

\$ 16.25

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 17.82

## DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

Notice is hereby given that on the 25th day of July, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 being AN ORDINANCE REPEALING GENERAL ORDINANCE NO. G-85-70 AS AMENDED BY GENERAL ORDINANCE NO. G-12-72 AND AMENDING GENERAL ORDINANCE NO. G-35-78 AND REPEALING ALL ORDINANCES IN CONFLICT HERewith AND EXPANDING THE DUTIES AND POWERS OF THE METROPOLITAN HUMAN RELATIONS COMMISSION.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, was passed by the Common Council on the 25th day of July, and that said Ordinance was duly signed and approved by the Mayor on the 4th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78 is posted in the following places in Fort Wayne, Allen County, Indiana.

(1) The main floor lobby of the City County Building  
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library

(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana. Charles W. Westerman, Clerk of the City of Fort Wayne Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk

1978

Title CLERK

## PUBLISHER'S AFFIDAVIT

State of Indiana  
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says

that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

8/11-18/78

Subscribed and sworn to before me this 18th day of August 1978

Notary Public

My commission expires September 28, 1979

Common Council of Fort Wayne  
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	_____
Head number of lines	_____
Body number of lines	61
Tail number of lines	2
Total number of lines in notice	63

COMPUTATION OF CHARGES

63 lines, 1 columns wide equals 63 equivalent lines at .25¢ cents per line \$ 16.20

Additional charge for notices containing rule or tabular work (50 per cent of above amount) 1.50

Charge for extra proofs of publication (50 cents for each proof in excess of two) 17.82

TOTAL AMOUNT OF CLAIM \$ 35.52

DATA FOR COMPUTING COST

Width of single column 1 1/2 cms Size of type 5 1/2 point

Number of insertions 2 Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

V. E. GERKEN

Date August 12, 1978

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }  
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

8/11-12/78

Subscribed and sworn to before me this 18th day of August 1978

Notary Public

My commission expires September 26, 1979

105 (Revised 1-78) — Order as to where No. G-21-78 is posted in the following

CH COPY OF  
SEMENT HERE

places in Fort Wayne, Allen County, Indiana.  
(1) The main floor lobby of the City County Building  
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library  
(3) The Bulletin board in the lobby at the east door of the Allen County Court House

Copies of said Bill No. G-78-05-13 (as Amended) — General Ordinance No. G-21-78, is also available or reading in the following public places in Fort Wayne, Indiana:

(4) The Reference Room in the north end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana. Charles W. Westerman City Clerk J., Charles W. Westerman, Clerk of the City of Fort Wayne Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August 11, 1978.

Charles W. Westerman  
City Clerk